

1 Adopted: 08/20/14  
2 Effective: 09/04/14

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4  
5 SNOHOMISH COUNTY COUNCIL  
6 SNOHOMISH COUNTY, WASHINGTON

7  
8 AMENDED ORDINANCE NO. 14-054

9  
10 RELATING TO TAXATION AND CLASSIFICATION OF OPEN  
11 SPACE, AGRICULTURAL AND TIMBERLAND POLICIES AND PROCEDURES,  
12 AMENDING SECTIONS IN CHAPTER 4.28 SCC  
13

14 WHEREAS, in 1970, the Washington State Legislature enacted chapter 84.34  
15 Revised Code of Washington (RCW), the Open Space Taxation Act (“the Act”),  
16 declaring that it is in the best interest of the state to maintain, preserve, conserve and  
17 otherwise continue in existence adequate open space lands for the production of food,  
18 fiber and forest crops, and to assure the use and enjoyment of natural resources and  
19 scenic beauty for the economic and social well-being of the state and its citizens; and  
20

21 WHEREAS, on May 17, 1971, Snohomish County adopted chapter 4.28  
22 Snohomish County Code (SCC) by resolution to implement the Act by establishing  
23 policies and designation criteria for the classification and assessment of certain lands to  
24 promote the preservation of open space and the use and enjoyment of natural  
25 resources; and  
26

27 WHEREAS, on July 23, 1992, Snohomish County adopted Amended Ordinance  
28 No. 92-080, which repealed the current chapter 4.28 SCC and replaced it with a new  
29 chapter 4.28 SCC that provided additional policies and application standards with  
30 regard to open space, agricultural land, and timberland; and  
31

32 WHEREAS, pursuant to RCW 84.34.141, the Washington State Department of  
33 Revenue (“DOR”) is responsible for administering chapter 458-30 Washington  
34 Administrative Code (WAC), which contains the rules related to the Act; and  
35

36 WHEREAS, pursuant to RCW 84.34.030, the Snohomish County Council  
37 (County Council) is the granting authority responsible for receiving and reviewing  
38 applications for open space and timberland classifications; and  
39

40 WHEREAS, the policies and criteria in chapter 4.28 SCC are intended to serve  
41 as a guide for implementation of the Act in Snohomish County; and  
42

43 WHEREAS, updates to sections in chapter 4.28 SCC were last made on July 23,  
44 1992, in Amended Ordinance No. 92-080; and  
45

1 WHEREAS, several minor code amendments to chapter 4.28 SCC have been  
2 identified by staff which would improve the administration of Snohomish County’s Open  
3 Space Program; and

4  
5 WHEREAS, in addition to staff-identified improvements, in 2012, the DOR  
6 conducted an audit of Snohomish County’s Open Space Program and recommended  
7 that certain amendments be made to chapter 4.28 SCC to ensure consistency with  
8 chapter 84.34 RCW; and

9  
10 WHEREAS, this ordinance proposes amendments to improve program  
11 administration and ensure consistency between the county code and state law  
12 concerning open space classification applications; and

13  
14 WHEREAS, on July 30, 2014 and continued to August 20, 2014, the County  
15 Council conducted a public hearing, after proper notice, to consider the entire record  
16 and hear public testimony related to the code amendments contained in this ordinance;  
17 and

18  
19 WHEREAS, following the public hearing, the County Council deliberated on the  
20 code amendments contained in this ordinance;

21  
22 NOW, THEREFORE, BE IT ORDAINED:

23  
24 Section 1. The County Council adopts the following findings in support of this  
25 ordinance:

26  
27 A. The foregoing recitals are adopted as findings as if set forth fully herein.

28  
29 B. This proposal is exempt from environmental review under the State  
30 Environmental Policy Act (SEPA) pursuant to Washington Administrative Code (WAC)  
31 197-11-800(14)(k) and (19).

32  
33 C. This ordinance is consistent with the record:

34  
35 1. Section 4 amends SCC 4.28.030 to update terminology used by the Natural  
36 Resources Conservation Service (NRCS) in reference to advances in soil classification  
37 and to capitalize “growth management act.”

38  
39 2. Section 5:

40  
41 a. Amends SCC 4.28.040(5) and (14) to remove outdated references to buffer  
42 width standards and redirect applicants to current critical area regulations codified in  
43 chapter 30.62A SCC;

1 b. Amends SCC 4.28.040(5), (6), (17) and (19) to capitalize Shoreline  
2 Management Act, the Snohomish County Shoreline Management Program, Snohomish  
3 County and the Growth Management Act;

4  
5 c. Amends SCC 4.28.040(16)(b) to update terminology used by the NRCS for  
6 soil classification references and amends various other typographical errors;

7  
8 d. Amends SCC 4.28.040(17) to remove reference to the U.S. Army Corps of  
9 Engineers as the only agency responsible for establishing flood hazard areas; and

10  
11 e. Adopts a new subsection (20) to SCC 4.28.040 that adds a subcategory of  
12 lands that can be designated open space-general. This criterion was inadvertently left  
13 out in previous code updates and is explicitly allowed by definition pursuant to RCW  
14 84.34.020(1)(c) and (8).

15  
16 3. Section 6 amends timberland policies in SCC 4.28.050 to remove outdated,  
17 unnecessary narrative text in the second paragraph. It also removes restrictive  
18 language in the third paragraph requiring higher standards for applicants with parcels  
19 less than twenty acres, language in the fourth paragraph prohibiting timberland  
20 classification for parcels within urban/incorporated areas and language in the fifth  
21 paragraph denying timberland classification for parcels eligible for open space-general  
22 classification.

23  
24 4. Section 7 amends the title of SCC 4.28.060 to replace “design” with  
25 “designation” to more accurately reflect the intent of the section. This section deletes the  
26 poorly written narrative text and instead supplies a clear definition of “timberland” that is  
27 adapted from RCW 84.34.020(3). This section also deletes criteria in current SCC  
28 4.28.060(1) - (5) for the following reasons:

29  
30 a. SCC 4.28.060(1) is deleted because, pursuant to RCW 84.34.041(2), parcels  
31 located within incorporated areas are allowed to be considered for timberland  
32 classification;

33  
34 b. SCC 4.28.060(2) is deleted because the county legislative authority cannot  
35 deny an application for timberland simply because the parcel qualifies for open space-  
36 general;

37  
38 c. SCC 4.28.060(3) is deleted because, pursuant to RCW 84.34.041(3), parcels  
39 with noncommercial timber can be considered for timberland classification if the owner  
40 provides a plan to restock the land within three years with commercial type timber;

41  
42 d. SCC 4.28.060(4) is deleted at the request of the DOR because parcels  
43 containing residences or parcels where more than 10 percent of the land area has been  
44 “improved” by clearing or other development may still qualify for timberland classification  
45 provided that the non-qualifying portion of the parcel, i.e., the portion of the parcel

1 including a homesite and appurtenances not necessary for the production, preparation or  
2 sale of the timber products grown on the land, is withheld from classification; and  
3

4 e. SCC 4.28.060(5) is deleted at the request of the DOR because parcels  
5 containing Christmas tree farms may still qualify for timberland classification provided that  
6 the non-qualifying portion of the parcel, i.e., the portion of the parcel consisting of  
7 noncommercial trees, is administratively segregated and withheld from classification.  
8

9 5. Section 8 amends application standards for open space-general in SCC  
10 4.28.070(2) to clarify that for open space-general applications it is the responsibility of  
11 the applicant to demonstrate how their property meets the criteria selected. This section  
12 also amends application standards for timberland in SCC 4.28.070(3) to reference RCW  
13 84.34.041 related to application forms, remove the requirement that a professional  
14 forester sign the Timber Management Plan (TMP), which is inconsistent with state law,  
15 and provide applicants with a list of TMP elements required by Washington  
16 Administrative Code (WAC) 458-30-232(2) and (5)(b).  
17

18 6. Section 9 amends SCC 4.28.080 by deleting current subsection (2)(b), which  
19 imposes a 1-year restocking requirement, renumbering the remaining provisions and  
20 correcting a typographical error. Pursuant to RCW 84.34.041(3)(a), timberland  
21 classification can be considered for land that has been recently harvested as long as the  
22 TMP includes a plan for restocking within three years.  
23

24 7. Section 10 amends SCC 4.28.085 to provide applicants with references to  
25 additional factors and criteria set forth in chapter 84.34 RCW that must be considered  
26 by the granting authority when approving or denying applications.  
27

28 8. Section 11 amends SCC 4.28.090 by adopting new subsections (3), (4), (6),  
29 (8), (9) and (10) to add new definitions for "Natural," "Natural Resources Conservation  
30 Service land capability classification," "Site," "Timber Management Plan," "Traditional  
31 Farmland," and "Undeveloped" and renumbering the remaining definitions.  
32

33 Section 2. Based on the foregoing findings, the County Council makes the  
34 following conclusions:  
35

36 A. This proposal is consistent with state law and the SCC.  
37

38 B. This proposal is exempt from SEPA.  
39

40 C. This proposal contains three types of amendments to chapter 4.28 SCC: (1)  
41 those that correct inadvertent errors, omissions and inconsistencies which have been  
42 collected by staff over many years of program administration, (2) those improvements  
43 identified by staff which reduce ambiguity of code, provide clarity to applicants and  
44 better align the open space program with state law and (3) those resulting from a 2012

1 open space program audit conducted by the DOR which are necessary to ensure  
2 consistency with state law.

3  
4 Section 3. The County Council bases its findings and conclusions on the entire  
5 record, including all testimony and exhibits. Any finding, which should be deemed a  
6 conclusion, and any conclusion which should be deemed a finding, is hereby adopted  
7 as such.

8  
9 Section 4. Snohomish County Code Section 4.28.030, adopted by Ordinance  
10 No. 92-080, on July 23, 1992, is amended to read:

11  
12 **4.28.030 Policies – Open space-general.**

13  
14 The following county policies for open space-general classification are intended  
15 to supplement chapters 84.34 RCW and 458-30 WAC.

- 16  
17 (1) Preserve lands where there are unique historic, cultural, and scientific or  
18 educational features.
- 19 (2) Preserve areas which have an abundance of wildlife, particularly where there  
20 are habitats of rare, sensitive, threatened or endangered species.
- 21 (3) Preserve natural areas and open space land in areas which provide scenic  
22 vistas or are adjacent to scenic highways.
- 23 (4) Preserve Natural Resources Conservation Service land capability class ((H))  
24 2 and ((H)) 3 agricultural soils in non-flood plain areas for future use for agricultural  
25 purposes.
- 26 (5) Protect steep sloped and geologically hazardous areas from development.
- 27 (6) Provide for buffer lands between residential and commercial and industrial  
28 development.
- 29 (7) Preserve wetland areas.
- 30 (8) Provide wherever possible, vehicular or pedestrian access to public bodies of  
31 water.
- 32 (9) Preserve stream corridors in their natural state.
- 33 (10) Provide access, buffering and expanded recreational opportunities by  
34 locating open space areas adjacent to public lands such as schools and parks.
- 35 (11) Provide for the preservation of private recreational areas which are open to  
36 the general public.
- 37 (12) Distribute open space throughout urban areas in such a manner that there is  
38 both visual relief and variety in the pattern of development and that there is sufficient  
39 space made available for passive and active recreation.
- 40 (13) Utilize open space areas as both visual and physical buffers between areas  
41 of intense development and areas devoted to residential use.
- 42 (14) Encourage the placement of private lands into open space reserves in order  
43 to protect and preserve fragile natural resources such as those in areas located  
44 adjacent to or including lakes, rivers, streams, or salt water areas.

1 (15) Provide lands which would be suitable for future recreational uses both of a  
2 passive and active type.

3 (16) Utilize open space lands to provide logical physical barriers to discourage  
4 continuous urban sprawl and restrict the spread of urban blight.

5 (17) Preserve those areas which have unique, rare, sensitive, threatened, or  
6 endangered types of vegetation.

7 (18) Recognize the benefits of private open space when such lands contribute to  
8 overall visual relief in areas of extensive urban or suburban development and when  
9 such areas provide for public recreation.

10 (19) Provide open space-general classification for protective buffer areas  
11 required by development regulations implementing the ~~((growth-management-act))~~  
12 Growth Management Act.

13  
14 Section 5. Snohomish County Code Section 4.28.040, last amended by  
15 Amended Ordinance No. 12-025, on June 6, 2012, is amended to read:

16  
17 **4.28.040 Designation criteria and standards - Open space-general.**

18  
19 The following areas may be considered for designation as open space-general:

20  
21 (1) Urban areas where the entire site is in an undeveloped, natural state and has  
22 slopes of 25 percent or greater or where at least one-half of the total site area is in  
23 slopes of at least 35 percent in gradient.

24 (2) Areas designated on the comprehensive land use plan or the county park  
25 and recreation plan as potential parks, trails, or open space, or designated as a critical  
26 area or environmentally sensitive area.

27 (3) Areas which have plant or animal species which are considered rare,  
28 sensitive, threatened or endangered by an authority recognized by the county.

29 (4) Sites within urban areas to be left in their natural state where the site is of at  
30 least one acre in size and is predominantly forested with mature, specimen trees.

31 (5) Areas which are in an undeveloped, natural state and are not under the  
32 jurisdiction of the state ~~((shoreline-management-act))~~ Shoreline Management Act and  
33 are situated within stream corridors, i.e., streams and/or their associated stream buffers  
34 ~~((of 50-foot))~~ on either side of the stream. Buffer width may be increased from the ~~((50-~~  
35 ~~foot-standard))~~ standards for streams listed in SCC 30.62A.320 Table 2a due to  
36 topographic, vegetative or wildlife habitat features which would logically suggest a wider  
37 buffer.

38 (6) Undeveloped, natural areas adjacent to water bodies which come under the  
39 jurisdiction of the state ~~((shoreline-management-act))~~ Shoreline Management Act and  
40 are designated by the ~~((shoreline-management-program))~~ Snohomish County Shoreline  
41 Management Program.

42 (7) Sites within an urban area which would serve as a buffer between residential  
43 development and tracts of land in excess of five acres which are designated on an  
44 adopted comprehensive plan for commercial or industrial development:

- 1 (a) Where the site area is covered by stands of trees in excess of 20 feet in  
2 height; and
- 3 (b) Where the ground vegetation creates a visual separation of at least 50 feet  
4 between the residential tracts of land and the commercial or industrial lands; or
- 5 (c) Where the topographic features of the site form a physical separation from  
6 the abutting commercial or industrial lands by reason of a gully or ravine or similar land  
7 condition.
- 8 (8) Areas that would safely provide either public vehicular or pedestrian access  
9 to public bodies of water:
- 10 (a) Where the site area abutting the water is at least 60 feet in width for vehicular  
11 access; or
- 12 (b) Where the site area abutting the water is at least 25 feet in width for  
13 pedestrian access.
- 14 (9) Areas which provide a scenic vista to which the general public has safe  
15 vehicular or pedestrian access.
- 16 (10) Sites devoted to private outdoor recreational pursuits such as golf courses,  
17 riding stables, lakes, etc., PROVIDED That access to such facilities and areas is  
18 provided to the general public free of charge or at reasonable, customary rates.
- 19 (11) Areas which contain features of unique historic, cultural or educational  
20 values which are open to the public's use, (e.g., public access to displays, interpretive  
21 centers, etc.), free of charge or at reasonable, customary rates:
- 22 (a) Where there are several varieties or species of flora, fauna, or both present  
23 on the site making it desirable for educational study; or
- 24 (b) Where there are habitats or species of plant life which are considered rare,  
25 sensitive, threatened or endangered by an authority recognized by the county; or
- 26 (c) Where there is or are recognized landmarks present on the site which  
27 provide visual reference and orientation for surrounding terrain (would include major  
28 promontories and rock formations but would exclude mountain forms and ranges); or
- 29 (d) Where there are historic or archeological features on the site of at least 50  
30 years of age, which would have value to future generations due to the uncommon  
31 nature or rare representation of past times and events.
- 32 (12) Areas located adjacent to public parks, public trails or other public lands  
33 which would materially add to or enhance the recreational opportunities of that facility:
- 34 (a) Where such a site would constitute a logical extension of the park or other  
35 public lands including provisions for public use but had been excluded principally by  
36 lack of funds; or
- 37 (b) Where the site would provide additional public access to such lands during  
38 the duration of its open space classification; or
- 39 (c) Where the site contains unique features of recreational value which if public  
40 use of the site were allowed would expand the variety of recreational opportunities  
41 contained in the park or public lands; or
- 42 (d) Where the site would act as a buffer between the park and surrounding  
43 development.

1 (13) Areas which contain or abut managed or monitored wildlife preserves or  
2 sanctuaries, arboretums or other designated open space and which will enhance the  
3 value of those resources:

4 (a) Where the open space designation would encompass a minimum of 10 acres  
5 in land area; and

6 ~~((b))~~(i) Where plant life and/or animal life contained within the site are found in  
7 abundant varieties; or

8 ~~((c))~~(ii) Where the site area can be distinguished from surrounding lands due to  
9 the unusualness of the vegetation or the animal life inhabitants.

10 (14) Wetland areas of at least one-fourth acre in size. Associated wetland  
11 buffers ~~((of 50 feet))~~ may also be included. The wetland buffer width may be increased  
12 from the ~~((50-foot))~~ standard wetland buffer listed in SCC 30.62A.320 Table 2b due to  
13 topographic, vegetative or wildlife habitat features which would logically suggest a wider  
14 buffer.

15 (15) Areas which lie adjacent to scenic highways which if not designated as open  
16 space would otherwise be subject to pressures for intense development:

17 (a) Where such highways have been designated by a city, the county or the  
18 state as scenic; and

19 (b) Where at least one-half of the total site lies within 200 feet of the highway;  
20 and

21 (c) Where pressures for urbanization are evident either due to provision of public  
22 water and sewer facilities to the area, subdivision activity in the immediate vicinity of the  
23 site, or the development of previously platted lands.

24 (16) Undeveloped areas ~~((;))~~ five acres and larger which are not within the 100-  
25 year flood plain, suitable for agricultural pursuits which may not currently be devoted to  
26 such use:

27 (a) Where the comprehensive land use plan or the agricultural preservation plan  
28 designates the site as suitable for agricultural development; or

29 (b) Where more than 75 percent of the total site area contains tillable class ~~((II))~~  
30 2 or ~~((III))~~ 3 ~~((variety))~~ agricultural soils as ~~((classified))~~ categorized by the ~~((soil~~  
31 ~~conservation service))~~ Natural Resources Conservation Service land capability  
32 classification system.

33 (17) Undeveloped areas which contain a minimum of five acres which are located  
34 within the 100-year flood plain as established by ~~((the U.S. Army Corps of Engineers of~~  
35 ~~Snohomish county))~~ Snohomish County.

36 (18) Areas where the entire site is in an undeveloped, natural state and is  
37 considered geologically hazardous by an authority recognized by the county.

38 (19) Areas which are protective buffers as required by development regulations  
39 implementing the ~~((growth management act))~~ Growth Management Act.

40 (20) Farm and agricultural conservation land as defined in RCW 84.34.020(8):

41 (a) Land that was previously classified under RCW 84.34.020(2) that no longer  
42 meets the criteria of subsection RCW 84.34.020(2), and that is reclassified under RCW  
43 84.34.020(1); or



1           **(b) Land that is traditional farmland that is not classified under chapter 84.33 or**  
2 **84.34 RCW, that has not been irrevocably devoted to a use inconsistent with**  
3 **agricultural uses, and that has a high potential for returning to commercial agriculture.**  
4

5           Section 6. Snohomish County Code Section 4.28.050, adopted by Ordinance  
6 No. 92-080, on July 23, 1992, is amended to read:  
7

8 **4.28.050 Policies - Timberland.**  
9

10           The open space taxation act was established to provide incentives for the  
11 retention of three distinct types of land in their current use: unique natural resource  
12 areas, farms, and land "devoted primarily to the growth and harvest of forest crops."  
13 With respect to the latter, the legislature states "that it is in the best interest of the state  
14 to maintain, preserve, conserve and otherwise continue in existence adequate open  
15 space land for the production of . . . forest crops and to assure the use . . . of natural  
16 resources . . . for the economic and social well-being of the state and its citizens," (RCW  
17 84.34.010). The legislature provided that applications for classification as timberland  
18 under this law are to be evaluated by the county council, and in evaluating an  
19 application for timberland classification the council is to consider the benefits of  
20 preserving the present use of the land in relation to the potential loss of revenue from  
21 approving current use taxation.  
22

23           The county clearly can exercise discretion in the granting of timberland  
24 applications. If exercised, this discretion should seek to further the purposes of the open  
25 space act. ~~((It is to this end that this policy statement and the following criteria and~~  
26 ~~standards are presented.))~~ The "growth and harvest of forest crops" should be a long-  
27 term, intensive process of managing a forest area to achieve its highest value if it is to  
28 truly be a benefit to the welfare of the county's residents. Forest lands have commodity  
29 and non-commodity values which include timber, wildlife, recreation, water quality,  
30 science, education and alternative products. The highest value of a particular tract of  
31 forest land may be achieved by managing for one or more commodity and/or non-  
32 commodity values. Unmanaged forest growth and harvest will yield poor results and in  
33 the long run, reduce the quality of the forest areas available for productive commercial  
34 use. The giving of tax incentives, such as classification of land as "timberland," shall be  
35 utilized in Snohomish ~~((county))~~ County to encourage the highest level of  
36 environmentally sound timber management and to encourage forestry to be practiced in  
37 a sustained high yield manner in appropriate areas. The county should encourage  
38 timberland applicants to employ alternative forestry methods such as "uneven-aged  
39 management" and other techniques which provide greater sensitivity to the  
40 environment, maximizes non-commodity values and contributes to a diversity of  
41 ecosystems.  
42

43           ~~((Most professional foresters believe that timber management on any tract of less~~  
44 ~~than 20 acres is marginal, at best. The legislature recognized this standard when it~~  
45 ~~enacted the forest tax law of 1971 which established a minimum 20-acre size for~~

1 timberland to qualify under that law. Under the open space law, however, timberland  
2 may comprise as little as five acres. Any parcel of less than 20 acres in size must  
3 submit substantial evidence to show that active, productive timber management can  
4 and will be carried out on the parcel.

5  
6 Long-range timber management and urban development are inherently  
7 incompatible. The harvesting process introduces noise, visual and air pollution into  
8 densely developed areas; the heavy truck traffic attendant with such harvesting is  
9 hazardous in residential areas. If developable, land within urban and urbanizing areas is  
10 needed more for urban development than for its timber value. Since the county wants to  
11 encourage timber management on a long-range basis (at least 10 years and hopefully  
12 many times longer than that), those areas which are projected to be urbanized within  
13 the current 20-year planning horizon shall not be considered for classification as  
14 timberland.

15  
16 Each of the types of open space classification—open space, agricultural and  
17 timberland generally apply to distinct situations. For instance, farm land would not  
18 qualify as timberland. There are, of course, some potential areas of overlap. These  
19 areas are limited, however, and Snohomish county shall preserve the identity of each of  
20 the classifications wherever appropriate by making the classifications mutually  
21 exclusive.))

22  
23 Section 7. Snohomish County Code Section 4.28.060, adopted by Ordinance  
24 No. 92-080 on July 23, 1992, is amended to read:

25  
26 **4.28.060 ((Design)) Designation criteria and standards - Timberland.**

27  
28 ((The following criteria have been developed to implement the timberland policies  
29 set forth in SCC 4.28.050, to provide guidance to potential applicants, and to facilitate  
30 the application evaluation process. These criteria have been formulated in the negative;  
31 they state those instances and areas in which the timberland classification will not be  
32 applied. This method of expression should not be taken to indicate opposition to  
33 timberland. Rather, it is far easier to list the few circumstances under which the  
34 timberland classification should not be granted than to attempt to list the many in which  
35 it should.

36  
37 (1) Timberland classification shall not be granted for any property which is in an  
38 area designated as an "urban area".

39 An urban area is defined as: an area, designated on an adopted comprehensive plan  
40 with a density of two or more dwelling units per acre; and/or zoned residential 20,000  
41 (R-20,000), or at a higher density than R-20,000; and/or within an incorporated area.  
42 Upon the adoption of urban growth boundaries pursuant to RCW 36.70A.110, urban  
43 area shall be defined as the areas within the adopted boundaries.

44 (2) Timberland classification shall not be granted for any property which would  
45 meet any of the following designation criteria for open space classification: SCC

1 4.28.040 (1), (2), (3), (4), (6) (only with reference to "natural environment"), (7), (8), (9),  
2 (10), (11), (12), (13), (15), (16) and (18).

3 ~~(3) Timberland classification shall not be granted where it is found that the~~  
4 ~~property is not intended for intensive forest management and/or where it is not devoted~~  
5 ~~to the commercial growth of a forest crop. Parcels which are unmanaged or consist~~  
6 ~~largely of noncommercial trees are not eligible for timberland classification.~~

7 ~~(4) Timberland classification shall not be applied to any parcel containing a~~  
8 ~~residence or to any parcel in which more than 10 percent has been "improved" by~~  
9 ~~clearing or other development.~~

10 ~~(5) Timberland classification shall not be applied to Christmas tree farms.~~  
11 ~~(Owners of such farms should consider applying for the "farm and agricultural"~~  
12 ~~designation.))~~

13  
14 Any parcel of land, or portion thereof, that is five or more acres or multiple  
15 parcels of land, or portions thereof, that are contiguous and total five or more acres  
16 which is or are devoted primarily to the growth and harvest of timber for commercial  
17 purposes may be considered for designation as timberland.

18  
19 Section 8. Snohomish County Code Section 4.28.070, adopted by Ordinance  
20 No. 09-132, on November 23, 2009, is amended to read:

21  
22 **4.28.070 Application standards.**

23  
24 (1) Applicants for open space-general classification or timberland classification,  
25 or any reclassification, shall submit the following to the assessor's office:

26 (a) A completed application form.

27 (b) A legal description of the subject property.

28 (c) A detailed site plan of the subject property at sufficient scale to show any  
29 existing or proposed development, roads, easements and trails. Critical areas described  
30 in chapter 30.62A SCC, including streams, wetlands, lakes marine waters, and their  
31 associated buffers must also be shown together with any proposed buffers and any  
32 other salient features which may be appropriate to include depending on which criteria  
33 have been claimed by the applicant. If open space or timberland classification is being  
34 sought on a portion of the property, the site plan must clearly delineate (with specific  
35 dimensions) the portion of the property for which the classification is requested.

36 (Developed portions of the property are generally not eligible for timberland  
37 classification; exceptions to this include roads and trails.)

38 (d) A vicinity map.

39 (e) A non-refundable fee of \$500.00.

40 (2) In addition to the requirements of subsection (1), applicants for open space-  
41 general classification shall also submit an "open space checklist" in which the applicant  
42 discloses the designation criteria he/she wishes to claim as being met on the subject  
43 property. Applicants must provide materials justifying how their property meets the  
44 criteria selected.

1           ~~((3) In order to properly evaluate the degree to which an applicant for timberland~~  
2 ~~classification is managing the timber resources on his property and to insure that the~~  
3 ~~property is truly "primarily devoted to the growth and harvest of forest crops", it is~~  
4 ~~deemed necessary that the following information be submitted to the assessor's office~~  
5 ~~when application is made:~~

6           ~~(a) Applications for timberland classification on parcels containing less than 20~~  
7 ~~contiguous acres under a single ownership or management shall be accompanied by a~~  
8 ~~detailed forest management plan, prepared with the assistance of a professional~~  
9 ~~forester whose signature and capacity is noted on the plan. This plan shall show how~~  
10 ~~the subject property will be managed to provide for the long term commercial~~  
11 ~~productivity of the timber resource on the site and shall detail projected cutting and~~  
12 ~~reforestation methods.~~

13           ~~(b) Applications for timberland classification on parcels of 20 contiguous acres or~~  
14 ~~more under single ownership or management shall include either a forest management~~  
15 ~~plan, as detailed above, or a detailed statement by the owner which addresses the~~  
16 ~~same issues.)~~

17           (3) Pursuant to RCW 84.34.041, all applications for timberland classification shall  
18 be made upon forms prepared by the Department of Revenue and supplied by the  
19 granting authority and shall be accompanied by a Timber Management Plan. Pursuant  
20 to Washington Administrative Code (WAC) 458-30-232(2) and (5)(b), a Timber  
21 Management Plan must include the following elements:

22           (a) A legal description of or the parcel number(s) of all land the applicant desires  
23 to be classified as timber land;

24           (b) The date or dates the land was acquired;

25           (c) A statement that the timber land is held in contiguous ownership of at least  
26 five acres and is primarily devoted to and used to grow and harvest timber;

27           (d) A brief description of the timber on the land or, if the land has been recently  
28 harvested or supports a growth of brush and noncommercial type timber, a description  
29 of the owner's plan to restock the timber land within three years;

30           (e) If the timber or forest management plan for the land has existed for more  
31 than one year, the application must indicate the nature and extent to which the plan has  
32 been implemented or changed;

33           (f) A statement about whether the timber land is also used to graze livestock;

34           (g) A statement about whether the land has been subdivided or a plat has been  
35 filed with respect for the land;

36           (h) A statement about whether the land and the applicant have complied with the  
37 restocking, forest management, fire protection, insect and disease control, weed control,  
38 and forest debris provisions of title 76 RCW or applicable rules under title 76 RCW;

39           (i) A statement about whether the land is subject to forest fire protection  
40 assessments under RCW 76.04.610;

41           (j) A statement about whether the land is subject to a lease, option, or other right  
42 that permits the land to be used for a purpose other than growing and harvesting timber;

43           (k) A summary of the applicant's past experience and activities in growing and  
44 harvesting timber;

- 1           (l) A summary of the applicant's current and continuing activities in growing and  
2 harvesting of timber; and  
3           (m) A statement that the applicant is aware of the potential tax liability involved if  
4 the land ceases to be classified as timber land.

5  
6           Section 9. Snohomish County Code Section 4.28.080, adopted by Amended  
7 Ordinance No. 06-061, on August 1, 2007, is amended to read:

8  
9           **4.28.080 Performance standards and change in use.**

10  
11           (1) Open Space-General. Developed portions of a property are generally not  
12 eligible for open space classification. Exceptions to this include but are not limited to:  
13 outdoor recreational facilities, interpretive centers, outdoor displays, etc. Lands which  
14 have been granted open space classification must remain in a natural, undeveloped  
15 state and/or provide the features for which the classification was granted. Development  
16 or subdivision of the property may result in revocation of the open space classification.  
17 Failure to meet the intent of the designation criteria and standards or any conditions of  
18 approval will result in revocation of the classification and the assessment of taxes and  
19 penalties pursuant to chapters 84.34 RCW and 458-30 WAC.

20           (2) Timberland. The following standards are designed to insure that properties  
21 designated "timberland" provide well managed, environmentally sound timber  
22 production:

23           (a) Management standards specified by a forest management plan and/or a  
24 detailed statement of management are binding conditions of timberland application  
25 approval. Timberland classification may be revoked if approval conditions are not met.  
26 Development or subdivision of the property may result in revocation of the classification  
27 as well.

28           ~~((b) Any property under timberland classification which is harvested must be~~  
29 ~~reforested within 12 months of tree cutting in order to retain timberland classification.))~~

30           ~~((e))~~(b) Buffering of critical areas, including streams, wetlands, lakes, and  
31 marine waters, is required as per state forest practices regulations ~~((Washington~~  
32 ~~Administrative Code (WAC) 222-30-024))~~ (WAC 222-30-021). The state terminology  
33 "riparian management zone" is comparable to "buffers" in chapter 30.62A SCC. Buffer  
34 widths shall be sufficient to comply with critical area buffer requirements in chapter  
35 30.62A SCC. Any harvesting or site disturbance which constitutes a violation of the  
36 state ~~((forest practices act))~~ Forest Practices Act or the conditions of a state forest  
37 practice permit or applicable county regulations may result in revocation of the  
38 timberland classification.

39  
40           Section 10. Snohomish County Code Section 4.28.085, adopted by Amended  
41 Ordinance No. 06-042, on July 26, 2006, is amended to read:

1  
2 **4.28.085 Procedure.**  
3

4 (1) Applications for open space ((classifications or re-classifications))  
5 classification or reclassification shall comply with the procedural requirements of SCC  
6 30.73.045(1), 30.73.070, and 30.73.080. No other sections of ((that)) chapter 30.73  
7 SCC shall apply to such decisions.

8 (2) The granting authority shall consider and act on applications for open space-  
9 general and timberland classification or reclassification in a manner consistent with the  
10 review factors and criteria in RCW 84.34.037 and 84.34.041.

11  
12 Section 11. Snohomish County Code Section 4.28.090, last amended by  
13 Ordinance No. 02-098, on December 9, 2002, is amended to read:

14  
15 **4.28.090 Definitions.**  
16

17 As used in this chapter, the following terms shall have the meanings set forth in  
18 this section unless the context clearly indicates otherwise.  
19

20 (1) "Buffer" means an area, typically in association with an environmentally  
21 sensitive feature, which is retained in its natural state. No clearing, grading or filling is  
22 permitted within a buffer. Trees which are diseased or pose a hazard to life or property  
23 may be removed with county approval. Buffers must be preserved from intrusion by  
24 livestock.

25 (2) "Geologically hazardous area" means areas that because of their  
26 susceptibility to erosion, sliding, earthquake, or other geological events, may not be  
27 suitable for development consistent with public health or safety concerns. Such areas  
28 are characterized by geologic, hydrologic and topographic conditions that render them  
29 susceptible to potentially significant or severe risk of landslides, erosion, seismic  
30 subsidence or similar activity. Geologically hazardous areas include erosion hazard  
31 areas, landslide hazard areas, mine hazard areas and seismic hazard areas.

32 (3) "Natural" means land that is free of significant site improvements that has  
33 substantially retained its original character and land that, although altered in character,  
34 is important as habitat for plant, animal or marine life.

35 (4) "Natural Resources Conservation Service land capability classification"  
36 means a system of grouping soils primarily on the basis of their capability to produce  
37 common cultivated crops and pasture plants without deteriorating over a long period of  
38 time.

39 ((3))(5) "Open space checklist" means a form prepared by the planning  
40 department and submitted by the applicant on which the applicant checks off which of  
41 the designation criteria are met on the subject property.

42 (6) "Site" means the lot or parcel, or portion thereof, which is subject to an open  
43 space application.

44 ((4))(7) "Stream" shall have the meaning as defined in SCC 30.91S.640.

1           (8) "Timber Management Plan" means a plan prepared by a professional  
2 forester, or by another person who has adequate knowledge of timber management  
3 practices, concerning the use of the land to grow and harvest timber.

4           (9) "Traditional Farmland" means land that has historically been commercially  
5 cultivated.

6           (10) "Undeveloped" means land that is substantially free of structures and  
7 impervious surfaces.


8           ~~((5))~~(11) "Urban area" means an area, designated on an adopted  
9 comprehensive plan with a density of two or more dwelling units per acre; and/or zoned  
10 residential 20,000 (R-20,000), or at a higher density than R-20,000; and/or within an  
11 incorporated area. Upon the adoption of urban growth boundaries, pursuant to RCW  
12 36.70A.110, urban area shall be defined as the areas within the adopted boundaries.

13           ~~((6))~~(12) "Wetland" shall have the meaning as defined in SCC 30.91W.060.


14  
15           Section 12. Severability and Savings. If any section, sentence, clause or phrase  
16 of this ordinance shall be held to be invalid or unconstitutional by the Growth  
17 Management Hearings Board, or a court of competent jurisdiction, such invalidity or  
18 unconstitutionality shall not affect the validity or constitutionality of any other section,  
19 sentence, clause or phrase of this ordinance. Provided, however, that if any section,  
20 sentence, clause or phrase of this ordinance is held to be invalid by the Board or court  
21 of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to  
22 the effective date of this ordinance shall be in full force and effect for that individual  
23 section, sentence, clause or phrase as if this ordinance had never been adopted.

24  
25  
26           PASSED this 20<sup>th</sup> day of August, 2014.

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29           SNOHOMISH COUNTY COUNCIL  
30           Snohomish County, Washington

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34           \_\_\_\_\_  
35           Council Chair

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37           ATTEST:

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40           Asst. Clerk of the Council  
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APPROVED  
 EMERGENCY  
 VETOED

DATE: 8-25-14

John Fausc  
County Executive

ATTEST:

Linda Hall

Approved as to form only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

D-13