

1 Adopted: July 19, 2023
2 Effective: July 31, 2023

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 23-050

7
8 RELATING TO GROWTH MANAGEMENT, AMENDING THE SNOHOMISH COUNTY ZONING
9 MAP TO CORRECT ERRORS IN THE IMPLEMENTATION OF AMENDED ORDINANCE NO. 21-060

10
11 WHEREAS, counties and cities that are required to plan under the Growth Management Act
12 (GMA), chapter 36.70A RCW, must ensure their comprehensive plans and zoning are consistent; and

13
14 WHEREAS, on October 6, 2021, the Snohomish County Council (“County Council”) adopted
15 Amended Ordinance No. 21-060 which removed the Mineral Conservation zone from the Snohomish
16 County Code and included several County-initiated areawide rezones; and

17
18 WHEREAS, in interpreting the map attached to Amended Ordinance No. 21-060, Snohomish
19 County Planning and Development Services (PDS) staff inadvertently applied the incorrect zoning to
20 eight areas by rezoning the areas to Rural-5 acre (R-5) instead of Forestry (F); and

21
22 WHEREAS, to maintain consistency between the County’s GMA Comprehensive Plan (GMACP)
23 and the County’s zoning maps these eight areas must be rezoned to the Forestry zone; and

24
25 WHEREAS, on February 28, 2023, the Snohomish County Planning Commission (the “Planning
26 Commission”) was briefed by PDS staff about the proposed County-initiated areawide rezones
27 contained in this ordinance; and

28
29 WHEREAS, the Planning Commission held a public hearing on March 28, 2023, to receive public
30 testimony concerning the proposed zoning map amendments contained in this ordinance; and

31
32 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning
33 Commission deliberated on the proposed ordinance and voted to recommend approval of zoning map
34 amendments contained in this ordinance as shown in its approval letter dated March 31, 2023; and

35
36 WHEREAS, on July 19, 2023, the County Council held a public hearing after proper notice, and
37 considered public comment and the entire record related to the zoning map amendments contained in
38 this ordinance;

39
40
41 NOW, THEREFORE, BE IT ORDAINED:

42
43 Section 1. The County Council adopts the following findings in support of this ordinance:

- 1
2 A. The foregoing recitals are adopted as findings as if set forth in full herein.
3
4 B. This ordinance amends the Snohomish County Zoning Map to rezone eight areas totaling
5 approximately 700 acres from Rural-5 to Forestry zoning.
6
7 C. The zoning map amendments are consistent with the requirements of the GMA and are guided by
8 and supportive of the GMA planning goals found in RCW 36.70A.020 including the goal of timely and
9 predictable permits processing (RCW 36.70A.020 (7)) and the goal of maintaining natural resource-
10 based industries (RCW 36.70A.020(8)) – the amendments will protect the availability of mineral
11 resources within the County.
12
13 D. The zoning map amendments are consistent with the Multicounty Planning Policies (MPPs) from the
14 Puget Sound Regional Council VISION 2050 to protect the availability of mineral resources within the
15 County including:
16
17 1. “Support the sustainability of designated resources lands. Do not convert these lands to
18 other uses.” (MPP-DP-42)
19 2. “Ensure that resource lands and their related economic activities are not adversely impacted
20 by development on non-resource lands.” (MPP-DP-43)
21
22 E. The zoning map amendments are consistent with the Countywide Planning Policies (CPPs) to protect
23 the availability of mineral resources within the county including:
24
25 “CPP-ED-9 – As appropriate, the County and cities should adopt plans, policies, and regulations
26 that preserve designated industrial, commercial, agricultural, and resource land base for long-
27 term regional economic benefit. “
28
29 F. The zoning map amendments are consistent with the GMACP - General Policy Plan (GPP) which
30 requires the protection of the availability of mineral resources within the County including:
31
32 “GOAL LU 9 Conserve mineral resource lands for mineral extraction, minimize the detrimental
33 effects of mineral extraction on the environment and other land uses, and plan for the eventual
34 post-extractive use of mine sites.”
35
36 G. Procedural requirements.
37
38 1. Under Snohomish County Code, this ordinance is a Type 3 legislative action pursuant to SCC
39 30.73.010.
40
41 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments
42 was transmitted to the Washington State Department of Commerce for distribution to state
43 agencies on February 7, 2023.

- 1
- 2 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this
- 3 non-project action have been satisfied through the completion of an environmental checklist
- 4 and the issuance of a determination of non-significance on February 7, 2023.
- 5
- 6 4. The public participation process used in the adoption of this ordinance complies with all
- 7 applicable requirements of the GMA and the SCC, including but not limited to, RCW 36.70A.035,
- 8 RCW 36.70A.140, and chapter 30.73 SCC.
- 9
- 10 5. The Planning Commission was briefed on the proposed amendments at its February 28, 2023,
- 11 meeting and conducted a public hearing on the proposed amendments at its March 28, 2023,
- 12 meeting resulting in its letter of March 31, 2023, recommending approval of the county-initiated
- 13 areawide rezones contained in this ordinance.
- 14
- 15 6. The Washington State Attorney General last issued an advisory memorandum, as required by
- 16 RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum and Recommended
- 17 Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional
- 18 Takings of Private Property” to help local governments avoid the unconstitutional taking of
- 19 private property. The process outlined in the State Attorney General’s 2018 advisory
- 20 memorandum was used by Snohomish County in objectively evaluating the regulatory changes
- 21 proposed by this ordinance.

22

23 H. This ordinance is consistent with the record.

24

- 25 1. Correct the zoning of eight properties that were incorrectly rezoned in 2021 under Amended
- 26 Ordinance No. 21-060 and are now inconsistent with the GMACP.

27

28 Section 2. The County Council makes the following conclusions:

29

- 30 A. The County-initiated areawide rezones proposed by this ordinance comply with and are consistent
- 31 with the GMA.
- 32
- 33 B. The County-initiated areawide rezones proposed by this ordinance comply with and are consistent
- 34 with the GMACP.
- 35
- 36 C. The County has complied with all SEPA requirements with respect to this non-project action.
- 37
- 38 D. The public participation process used in the adoption of this ordinance complies with all applicable
- 39 requirements of the GMA and title 30 SCC.
- 40
- 41 E. The County-initiated areawide rezones proposed by this ordinance do not result in an
- 42 unconstitutional taking of private property for a public purpose.
- 43
- 44

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

5 Section 4. The official zoning maps maintained pursuant to SCC 30.21.030 shall be revised to
6 reflect the zoning map changes adopted by the County Council as indicated in the eight maps included in
7 Exhibit A to this ordinance, which is attached hereto and incorporated by reference into this ordinance.
8

9 Section 5. Severability and Savings. If any section, sentence, clause, or phrase of this ordinance
10 shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a
11 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
12 constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however,
13 that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or
14 court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the
15 effective date of this ordinance shall be in full force and effect for that individual section, sentence,
16 clause, or phrase as if this ordinance had never been adopted.
17

18 PASSED this 19th day of July, 2023
19

20 SNOHOMISH COUNTY COUNCIL
21 Snohomish County, Washington
22


23 
24 _____
25 Council Chair

26 ATTEST:
27


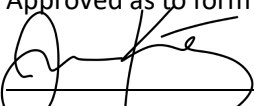
28 
29 _____
30 Asst. Clerk of the Council

31 (X) APPROVED
32 () EMERGENCY
33 () VETOED
34

35 DATE: July 21, 2023

36 
37 _____
38 County Executive

39 ATTEST:
40

41 
42 _____
43 Approved as to form only:
 4/25/23
Deputy Prosecuting Attorney

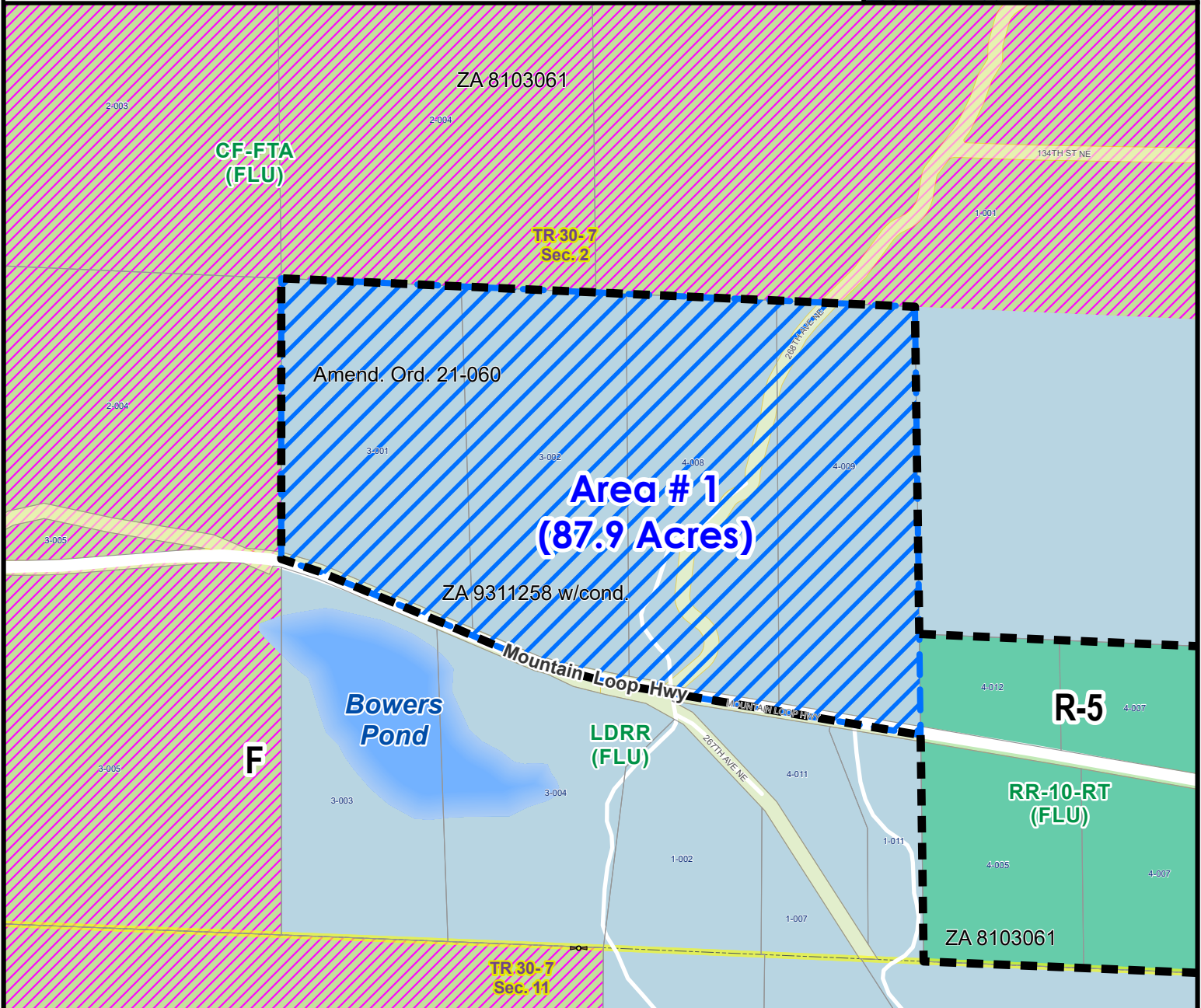
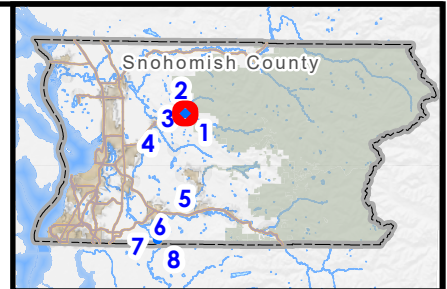
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Exhibit A
Ordinance No. 23-050
Amendments to the Zoning Map

2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 1

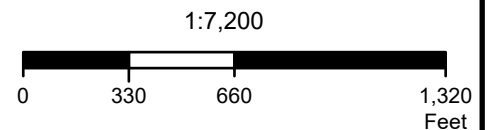


Proposed Zoning Map Adjustments



- Proposed Rezone Areas (R-5 to Forestry)
- Zoning Line
- Future Land Use**
- CF-FTA: Commercial Forest - Forest Transition Area
- LDRR: Low Density Rural Residential (1 DU/20 Acres)
- RR-10-RT: Rural Residential-10 Resource Transition (1 DU/10 Acres)

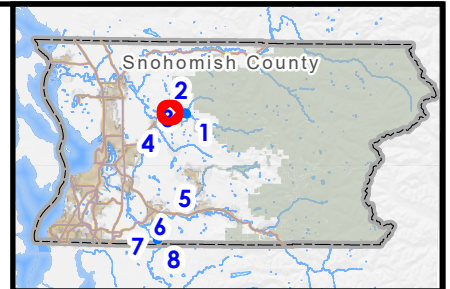
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets
- Sections



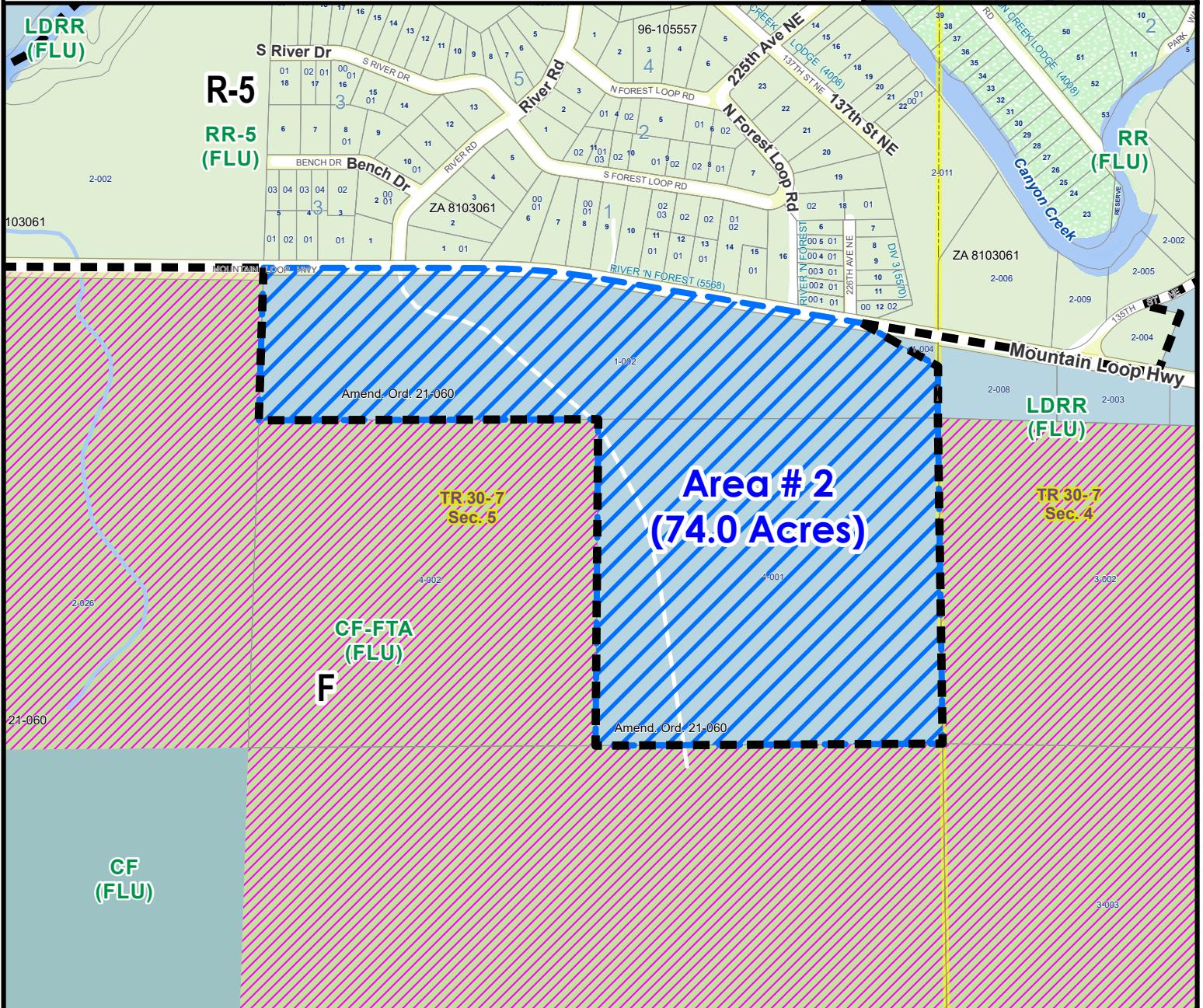
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 2



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

- CF: Commercial Forest
- CF-FTA: Commercial Forest - Forest Transition Area
- LDRR: Low Density Rural Residential (1 DU/20 Acres)
- RR: Rural Residential (1 DU/5 Acres Basic)
- RR-5: Rural Residential-5 (1 DU/5 Acres)

City Boundary

Road Right of Way

Parcels

Waterbodies

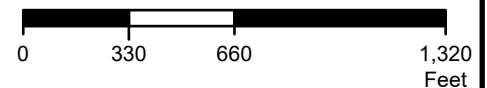
Watercourses

Major Roads

Streets

Sections

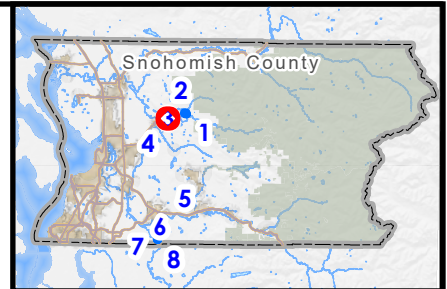
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 3

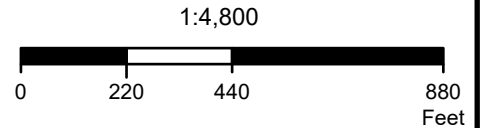


Proposed Zoning Map Adjustments



- Proposed Rezone Areas (R-5 to Forestry)
- Zoning Line
- Future Land Use**
- CF-FTA: Commercial Forest - Forest Transition Area
- LDRR: Low Density Rural Residential (1 DU/20 Acres)
- RR-5: Rural Residential-5 (1 DU/5 Acres)
- Rural Urban Transition Area (RUTA)

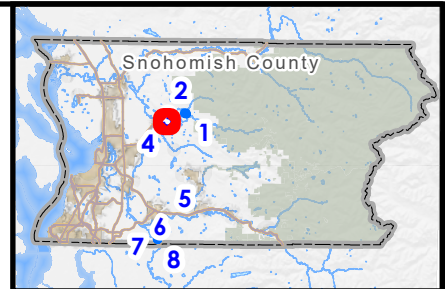
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets
- Sections



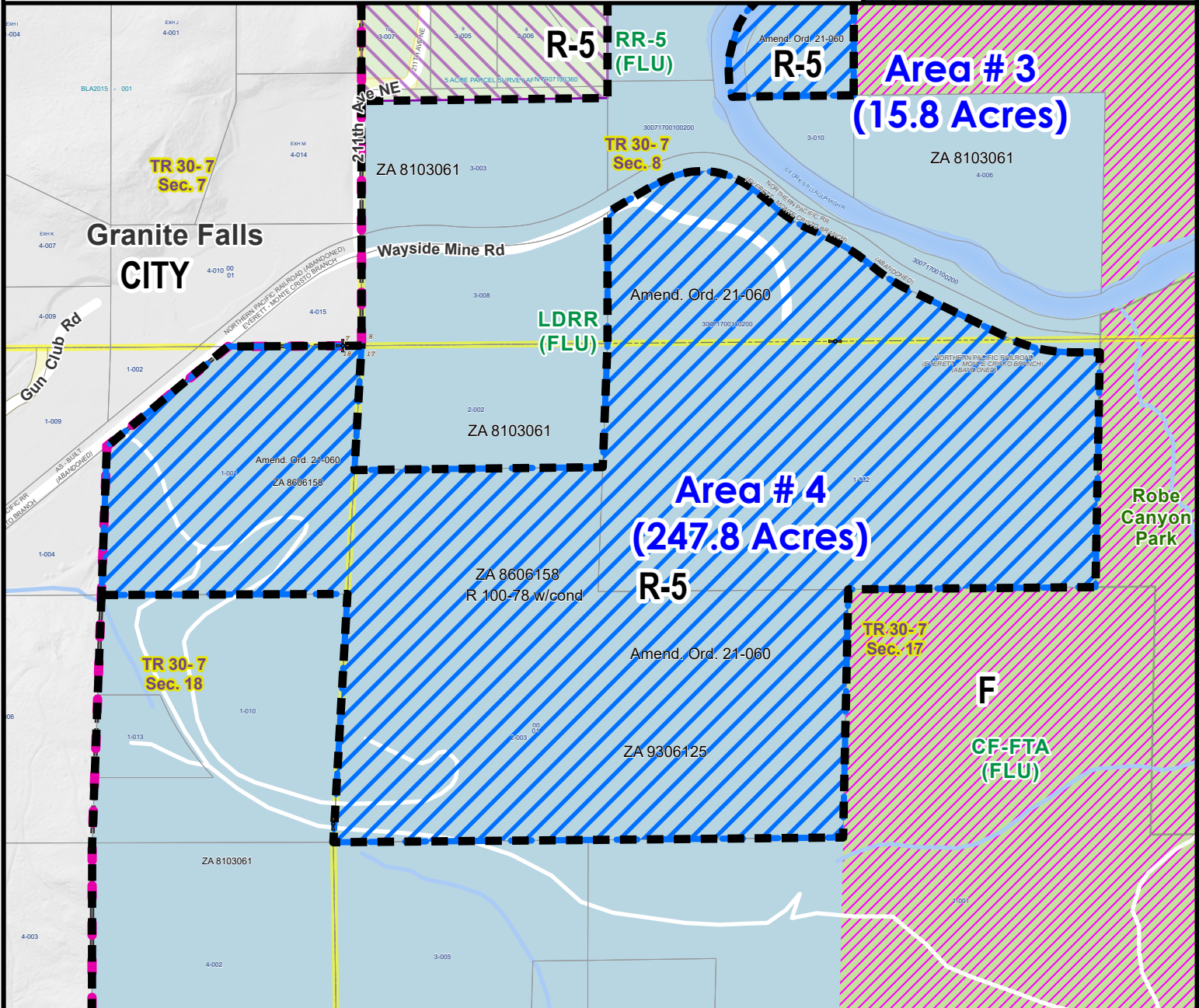
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 4



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

CF-FTA: Commercial Forest - Forest Transition Area

LDRR: Low Density Rural Residential (1 DU/20 Acres)

RR-5: Rural Residential-5 (1 DU/5 Acres)

Rural Urban Transition Area (RUTA)

City Boundary

Urban Growth Area Boundary

Road Right of Way

Parcels

Waterbodies

Watercourses

Major Roads

Streets

Sections

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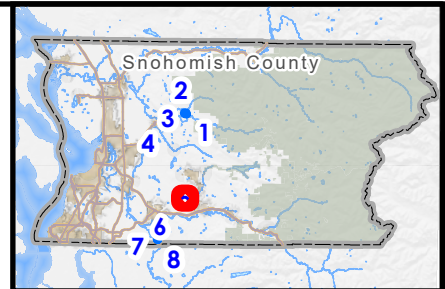
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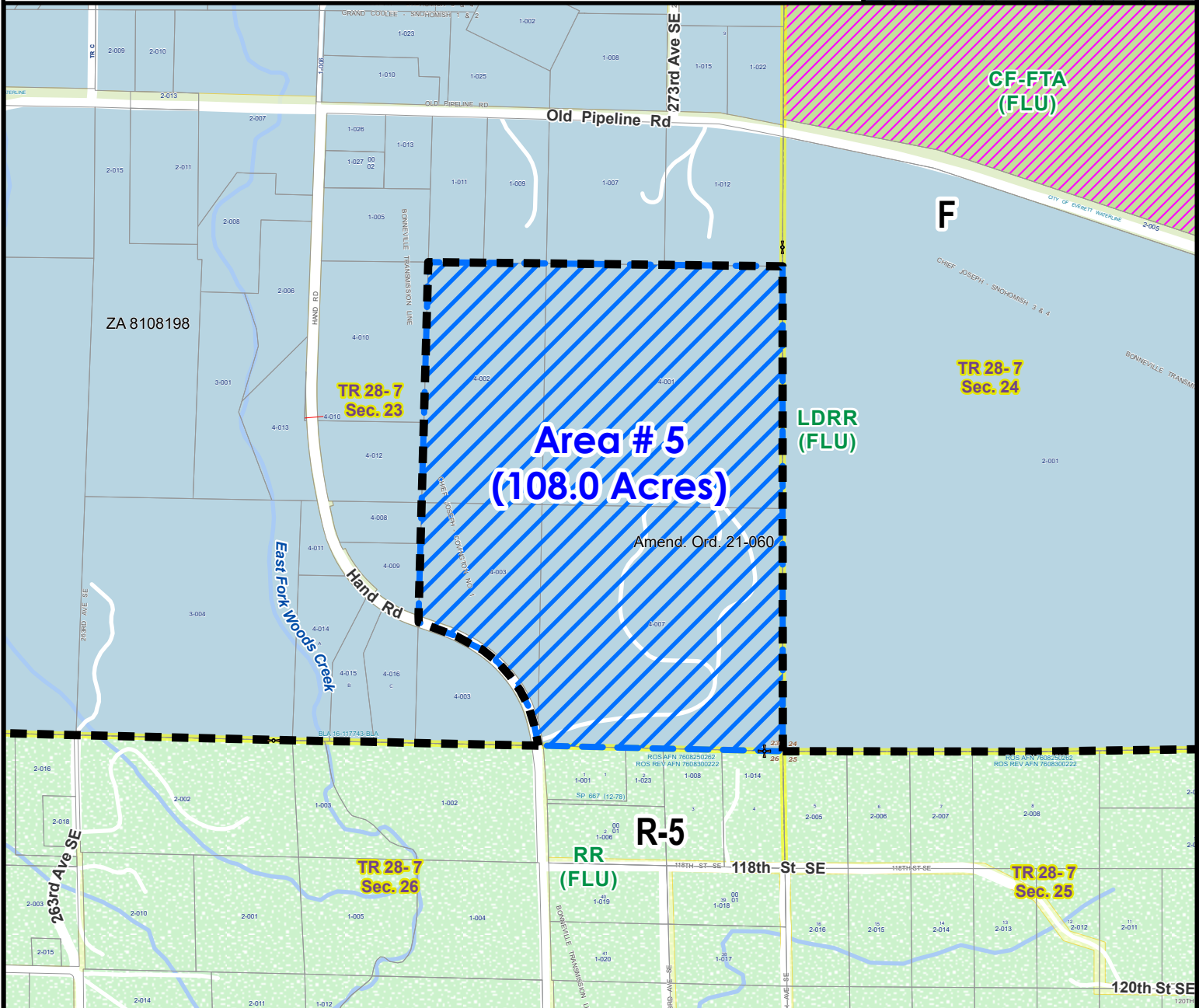
2022 County-Initiated Proposal

Corrections to Amend. Ord. 21-060 R-5 to Forestry Rezone Areas (1 through 8)

Area # 5

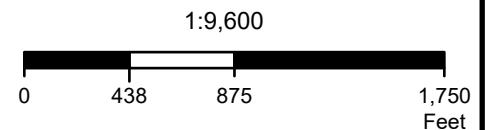


Proposed Zoning Map Adjustments



- Proposed Rezone Areas (R-5 to Forestry)
- Zoning Line
- Future Land Use**
- CF-FTA: Commercial Forest - Forest Transition Area
- LD RR: Low Density Rural Residential (1 DU/20 Acres)
- RR: Rural Residential (1 DU/5 Acres Basic)

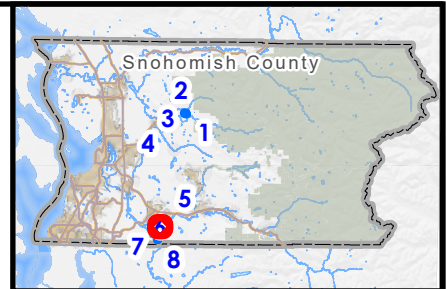
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets
- Sections



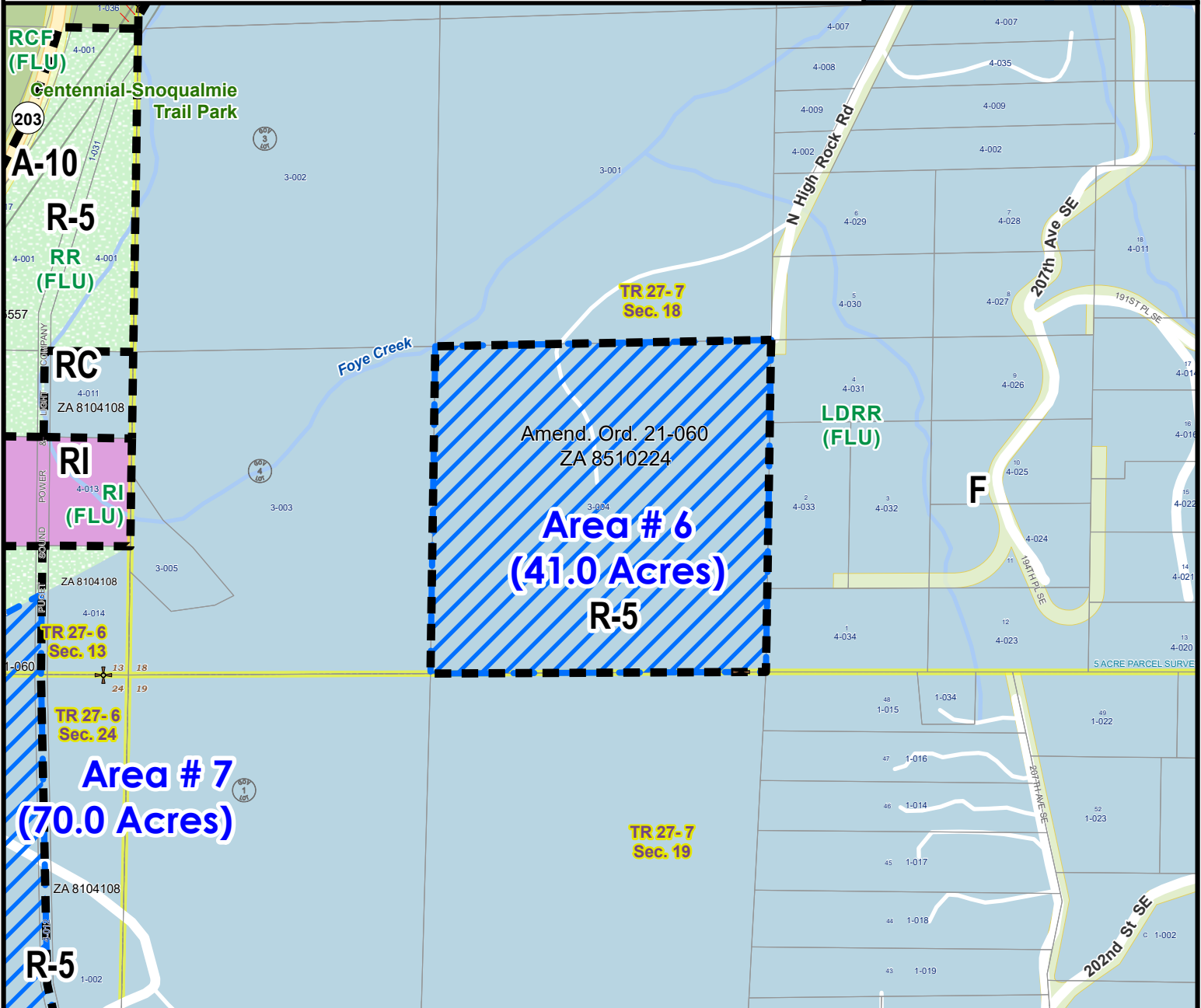
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 6



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

LD RR: Low Density Rural Residential (1 DU/20 Acres)

RCF: Riverway Commercial Farmland

RI: Rural Industrial

RR: Rural Residential (1 DU/5 Acres Basic)

City Boundary

Road Right of Way

Parcels

Waterbodies

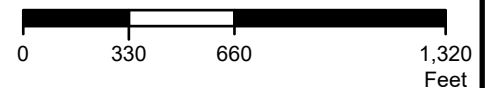
Watercourses

Major Roads

Streets

Sections

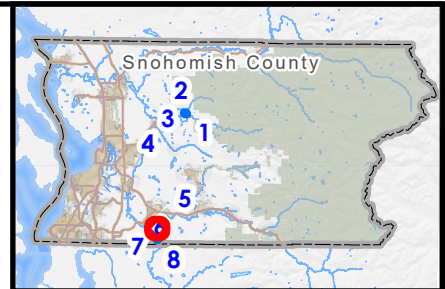
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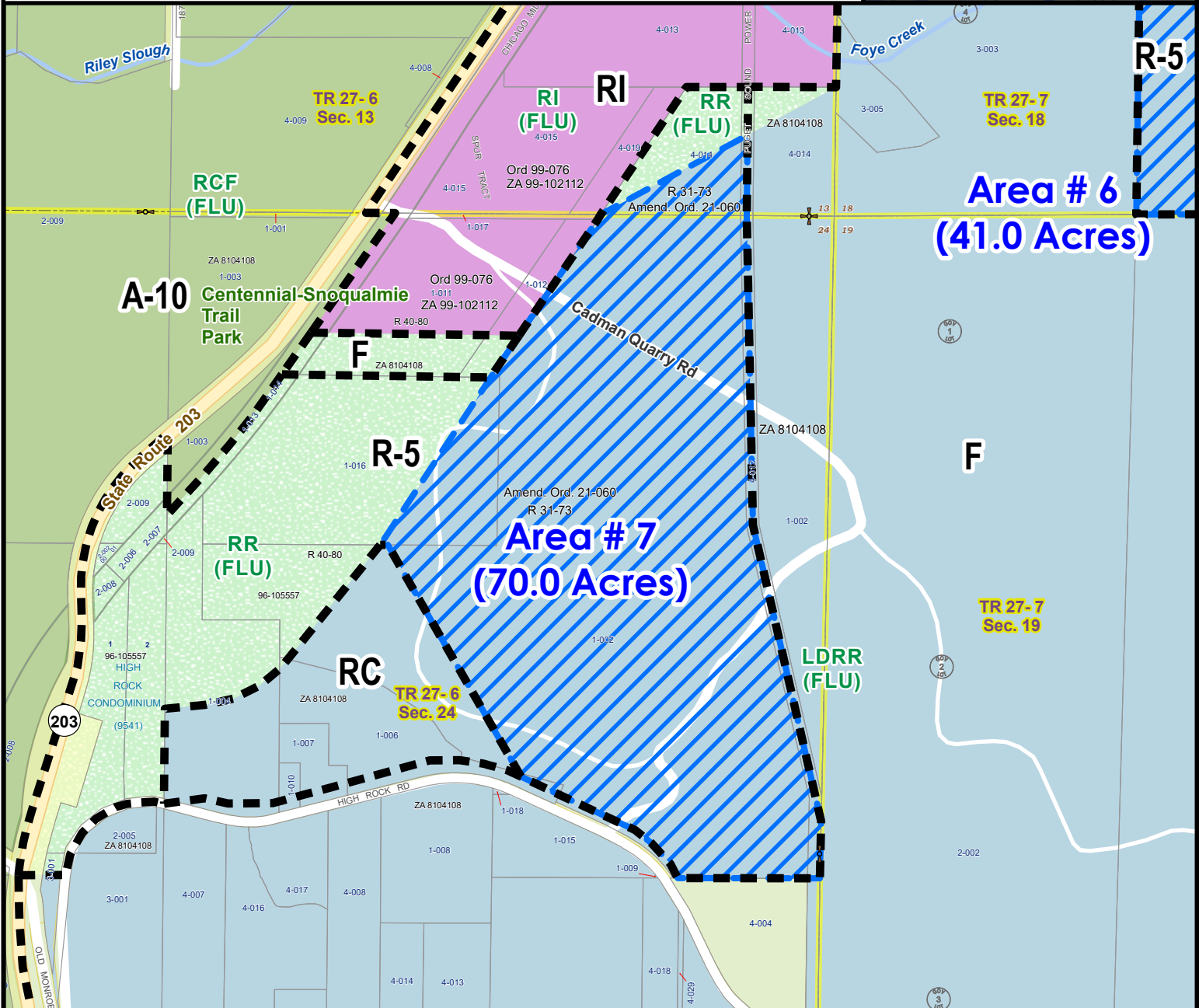
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 7



Proposed Zoning Map Adjustments



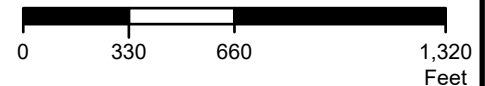
Proposed Rezone Areas (R-5 to Forestry)

City Boundary

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Zoning Line

Road Right of Way



Future Land Use

LD RR: Low Density Rural Residential (1 DU/20 Acres)

Parcels

RCF: Riverway Commercial Farmland

Waterbodies

RI: Rural Industrial

Watercourses

RR: Rural Residential (1 DU/5 Acres Basic)

Major Roads

Streets

Sections

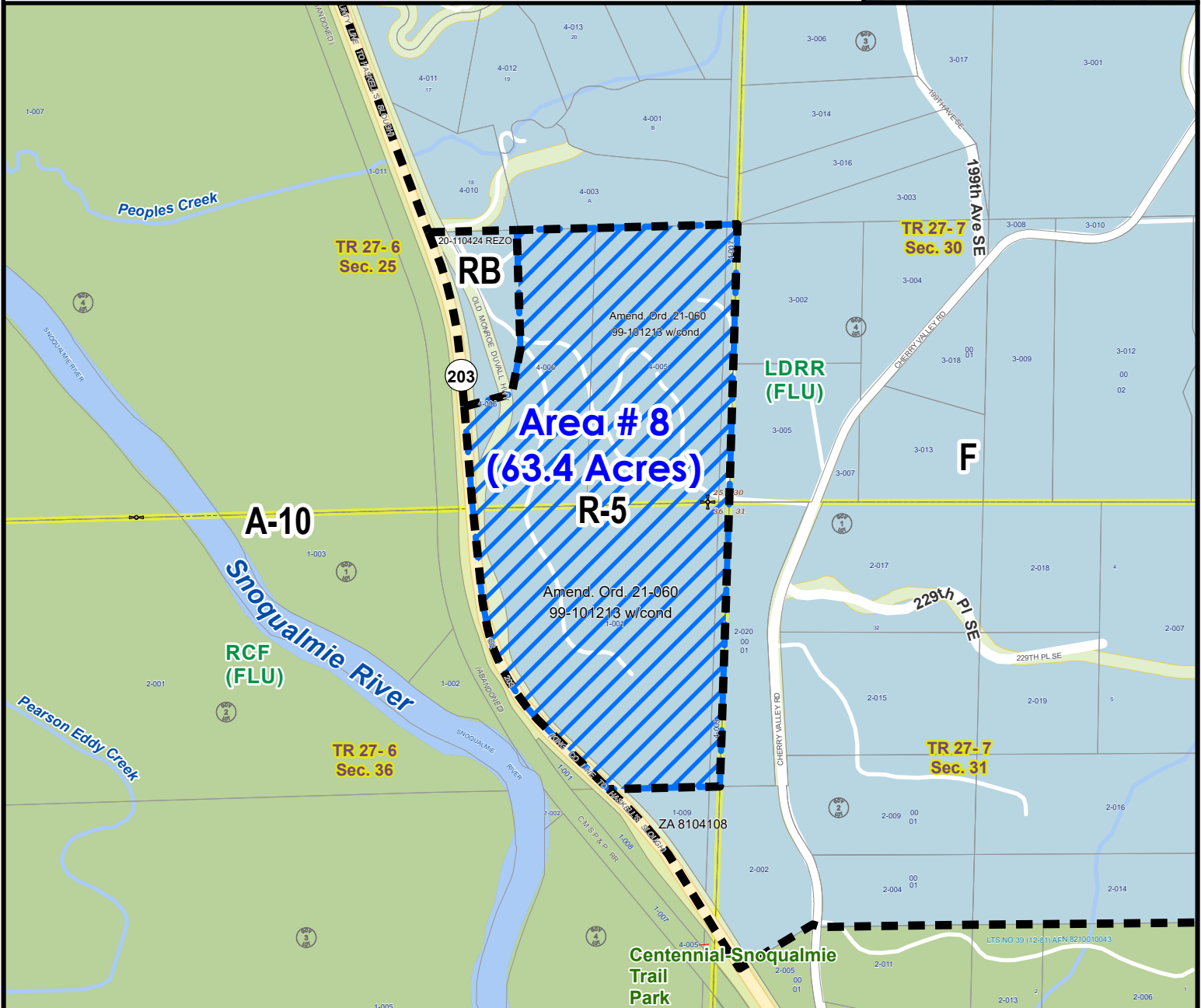
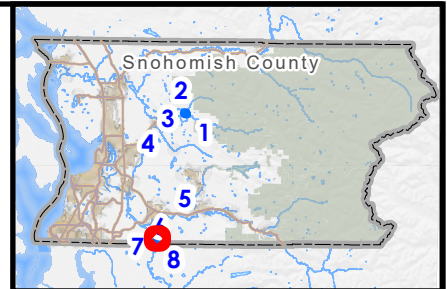
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 8



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

LDRR: Low Density Rural Residential (1 DU/20 Acres)

RCF: Riverway Commercial Farmland

City Boundary

Road Right of Way

Parcels

Waterbodies

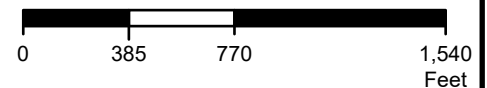
Watercourses

Major Roads

Streets

Sections

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