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SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED  
ORDINANCE NO. 92-080



CO00023704

OPEN SPACE, AGRICULTURAL AND TIMBER LANDS -  
CURRENT USE ASSESSMENT;  
AMENDING SNOHOMISH COUNTY CODE TITLE 4

BE IT ORDAINED:

Section 1. Snohomish County Code Chapter 4.28, adopted by resolution on May 17, 1971, is hereby repealed.

Section 2. Snohomish County Code Chapter 4.30, adopted by resolution on June 24, 1974, is hereby repealed.

Section 3. A new Chapter 4.28 is added to Snohomish County Code Title 4 as follows:

CHAPTER 4.28

OPEN SPACE, AGRICULTURAL AND TIMBER LAND  
POLICIES AND PROCEDURES

Section:

- 4.28.010 Purpose
- 4.28.020 General provisions - open space - general
- 4.28.030 Policies - open space - general
- 4.28.040 Designation criteria and standards -  
open space - general
- 4.28.050 Policies - timberland
- 4.28.060 Designation criteria and standards -  
timberland
- 4.28.070 Application standards
- 4.28.080 Performance standards and change in use
- 4.28.090 Definitions

4.28.010 Purpose.

The legislature has enacted Chapter 84.34 RCW, wherein it has declared "that it is in the best interest of the State to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens"

and has further declared "that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes."

4.28.020 General provisions - open space - general.

The policies and criteria in Sections 4.28.030 and 4.28.040 are designed to serve as a guide for the implementation of the Open Space Taxation Act, RCW Chapter 84.34, passed by the State Legislature. Specifically the policies express the desired circumstances in which the County deems it appropriate to consider Open Space - General tax assessment, thus preserving some lands for open space as scenic, recreational and environmental resources for present and future benefit. Not all land in the County, however, can be considered desirable or valuable for open space classification. Therefore, in order to provide a better basis for evaluating applications for current use assessment, a set of criteria and standards has been developed. The criteria and standards are designed to further detail the intent of the policies and facilitate the application evaluation process.

4.28.030 Policies - open space - general.

The following County policies for open space-general classification are intended to supplement Chapter 84.34 RCW and 458-30 WAC.

- (1) Preserve lands where there are unique historic, cultural, and scientific or educational features.
- (2) Preserve areas which have an abundance of wildlife, particularly where there are habitats of rare, sensitive, threatened or endangered species.
- (3) Preserve natural areas and open space land in areas which provide scenic vistas or are adjacent to scenic highways.
- (4) Preserve Class II and III agricultural soils in non-flood plain areas for future use for agricultural purposes.
- (5) Protect steep sloped and geologically hazardous areas from development.
- (6) Provide for buffer lands between residential and commercial and industrial development.
- (7) Preserve wetland areas.
- (8) Provide wherever possible, vehicular or pedestrian access to public bodies of water.
- (9) Preserve stream corridors in their natural state.

(10) Provide access, buffering and expanded recreational opportunities by locating open space areas adjacent to public lands such as schools and parks.

(11) Provide for the preservation of private recreational areas which are open to the general public.

(12) Distribute open space throughout urban areas in such a manner that there is both visual relief and variety in the pattern of development and that there is sufficient space made available for passive and active recreation.

(13) Utilize open space areas as both visual and physical buffers between areas of intense development and areas devoted to residential use.

(14) Encourage the placement of private lands into open space reserves in order to protect and preserve fragile natural resources such as those in areas located adjacent to or including lakes, rivers, streams, or salt water areas.

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

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

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

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

(19) Provide open space-general classification for protective buffer areas required by development regulations implementing the Growth Management Act.

4.28.040 Designation criteria and standards - open space - general.

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

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

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

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

(4) Sites within urban areas to be left in their natural state where the site is of at least 1-acre in size and is predominantly forested with mature, specimen trees.

(5) Areas which are in an undeveloped, natural state and are not under the jurisdiction of the State Shoreline Management Act and are situated within stream corridors, i.e., streams and/or their associated stream buffers of 50-feet on either side of the stream. Buffer width may be increased from the 50-foot standard due to topographic, vegetative or wildlife habitat features which would logically suggest a wider buffer.

(6) Undeveloped, natural areas adjacent to water bodies which come under the jurisdiction of the State Shoreline Management Act and are designated by the master plan as a "natural", "conservancy", "rural", "suburban", or "urban" type environment.

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

(a) Where the site area is covered by stands of trees in excess of 20-feet in height, and;

(b) Where the ground vegetation creates a visual separation of at least 50-feet between the residential tracts of land and the commercial or industrial lands, or;

(c) Where the topographic features of the site form a physical separation from the abutting commercial or industrial lands by reason of a gully or ravine or similar land condition.

(8) Areas that would safely provide either public vehicular or pedestrian access to public bodies of water:

(a) Where the site area abutting the water is at least 60-feet in width for vehicular access, or;

(b) Where the site area abutting the water is at least 25-feet in width for pedestrian access.

(9) Areas which provide a scenic vista to which the general public has safe vehicular or pedestrian access.

(10) Sites devoted to private outdoor recreational pursuits such as golf courses, riding stables, lakes, etc., provided that access to such facilities and areas is provided to the general public free of charge or at reasonable, customary rates.

(11) Areas which contain features of unique historic, cultural or educational values which are open to the public's use, (e.g. public access to displays, interpretive centers, etc.), free of charge or at reasonable, customary rates:

(a) Where there are several varieties or species of flora, fauna, or both present on the site making it desirable for educational study, or;

(b) Where there are habitats or species of plant life which are considered rare, sensitive, threatened or endangered by an authority recognized by the county, or;

(c) Where there is or are recognized landmarks present on the site which provide visual reference and orientation for surrounding terrain (would include major promontories and rock formations but would exclude mountain forms and ranges), or;

(d) Where there are historic or archeological features on the site of at least fifty years of age, which would have value to future generations due to the uncommon nature or rare representation of past times and events.

(12) Areas located adjacent to public parks, public trails or other public lands which would materially add to or enhance the recreational opportunities of that facility:

(a) Where such a site would constitute a logical extension of the park or other public lands including provisions for public use but had been excluded principally by lack of funds, or:

(b) Where the site would provide additional public access to such lands during the duration of its open space classification, or:

(c) Where the site contains unique features of recreational value which if public use of the site were allowed would expand the variety of recreational opportunities contained in the park or public lands, or:

(d) Where the site would act as a buffer between the park and surrounding development

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

(a) Where the open space designation would encompass a minimum of 10 acres in land area, and:

(b) Where plant life and/or animal life contained within the site are found in abundant varieties, or:

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

(14) Wetland areas of at least 1/4 acre in size. Associated wetland buffers of 50-feet may also be included. The wetland buffer width may be increased from the 50-foot standard due to topographic, vegetative or wildlife habitat features which would logically suggest a wider buffer.

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

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

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

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

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

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

(b) Where more than 75% of the total site area contains tillable Class II or III variety soils as classified by the Soil Conservation Service.

(17) Undeveloped areas which contain a minimum of five (5) acres which are located within the 100-year floor plain as established by the U.S. Army Corps of Engineers or Snohomish County.

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

(19) Areas which are protective buffers as required by development regulations implementing the growth management act.

4.28.050 Policies - timberland.

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

The county clearly can exercise discretion in the granting of timber land applications. If exercised, this discretion should seek to further the purposes of the open space act. It is to this end that this policy statement and the following criteria and standards are presented. The "growth and harvest of forest crops" should be a long-term, intensive process of managing a forest area to achieve its highest value if it is to truly be a benefit to the welfare of the county's residents. Forest lands have commodity and non-commodity values which include timber, wildlife, recreation, water quality, science, education and alternative products. The highest value of a particular tract of forest land may be achieved by managing for one or

more commodity and/or non-commodity values. Unmanaged forest growth and harvest will yield poor results and in the long run, reduce the quality of the forest areas available for productive commercial use. The giving of tax incentives, such as classification of land as "timber land," shall be utilized in Snohomish County to encourage the highest level of environmentally sound timber management and to encourage forestry to be practiced in a sustained high yield manner in appropriate areas. The county should encourage timber land applicants to employ alternative forestry methods such as "uneven-aged management" and other techniques which provide greater sensitivity to the environment, maximizes non-commodity values and contributes to a diversity of ecosystems.

Most professional foresters believe that timber management on any tract of less than twenty (20) acres is marginal, at best. The legislature recognized this standard when it enacted the forest tax law of 1971 which established a minimum twenty-acre size for timber land to qualify under that law. Under the open space law, however, timber land may comprise as little as five (5) acres. Any parcel of less than twenty (20) acres in size must submit substantial evidence to show that active, productive timber management can and will be carried out on the parcel.

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

Each of the types of open space classification - open space, agricultural and timber land - generally apply to distinct situations. For instance, farm land would not qualify as timber land. There are, of course, some potential areas of overlap. These areas are limited however, and Snohomish County shall preserve the identify of each of the classifications wherever appropriate by making the classifications mutually exclusive.

#### 4.28.060 Designation criteria and standards - timberland.

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

(1) Timber land classification shall not be granted for any property which is in an area designated as an "urban area".

An urban area is defined as: an area, designated on an adopted comprehensive plan with a density of 2 or more dwelling units per acre; and/or zoned residential 20,000, (R-20,000), or at a higher density than R-20,000; and/or within an incorporated area.



Upon the adoption of urban growth boundaries pursuant to RCW 36.70A.110, urban area shall be defined as the areas within the adopted boundaries.

(2) Timber land classification shall not be granted for any property which would meet any of the following designation criteria for open space classification: SCC 2.48.040 subsections (1), (2), (3), (4), (6) (only with reference to "natural environment"), (7), (8), (9), (10), (11), (12), (13), (15), (16), and (18).

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

(4) Timber land classification shall not be applied to any parcel containing a residence or to any parcel in which more than ten percent (10%) has been "improved" by clearing or other development.

(5) Timber land classification shall not be applied to Christmas tree farms. (Owners of such farms should consider applying for the "farm and agricultural" designation.)

4.28.070 Application standards.

(1) Applicants for either open space - general classification or timber land shall submit the following to the assessor's office:

(a) A completed application form.

(b) A legal description of the subject property.

(c) A detailed site plan of the subject property at sufficient scale to show any existing or proposed development, roads, easements and trails. Aquatic resources such as streams, wetlands and lakes must also be shown together with any proposed buffers and any other salient features which may be appropriate to include depending on which criteria have been claimed by the applicant. If open space or timber land classification is being sought on a portion of the property, the site plan must clearly delineate (with specific dimensions) the portion of the property for which the classification is requested. (Developed portions of the property are generally not eligible for timber land classification; exceptions to this include roads and trails.)

(d) A vicinity map.

(e) A non-refundable fee of \$100.00.

(2) In addition to the requirements of subsection (1), applicants for open space - general classification shall also submit an "open space checklist" in which the applicant discloses the designation criteria he/she wishes to claim as being met on the subject property.

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

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

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

#### 4.28.080 Performance standards and change in use.

##### (1) Open space - general.

Developed portions of a property are generally not eligible for open space classification. Exceptions to this include but are not limited to: outdoor recreational facilities, interpretive centers, outdoor displays, etc.

Lands which have been granted open space classification must remain in a natural, undeveloped state and/or provide the features for which the classification was granted.

Development or subdivision of the property may result in revocation of the open space classification. Failure to meet the intent of the designation criteria and standards or any conditions of approval will result in revocation of the classification and the assessment of taxes and penalties pursuant to RCW 84.34 and WAC 458-30.

##### (2) Timberland.

The following standards are designed to insure that properties designated "timber land" provide well managed, environmentally sound timber production.

(a) Management standards specified by a forest management plan and/or a detailed statement of management are binding conditions of timber land application approval. Timber Land classification may be revoked if approval conditions are not met. Development or subdivision of the property may result in revocation of the classification as well.

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

(c) Buffering of aquatic resources is required as per state forest practices regulations. Buffer widths shall comply with county aquatic resource regulations. Any harvesting or site disturbance which constitutes a violation of the state forest practices act or the conditions of a state forest practice permit or applicable county regulations may result in revocation of the timber land classification.

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

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

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

(3) Open Space Checklist - A form prepared by the planning department and submitted by the applicant on which the applicant checks off which of the designation criteria are met on the subject property.

(4) Stream - All lands and waters contained within a channel when such lands periodically support predominantly undrained hydric soil, or the substrate is non-soil and is saturated with water or covered by water at some time during the growing season of each year.

(5) Urban Area - An area, designated on an adopted comprehensive plan with a density of 2 or more dwelling units per acre; and/or zoned residential 20,000, (R-20,000), or at a higher density than R-20,000; and/or within an incorporated area. Upon the adoption of urban growth Boundaries, pursuant to RCW 36.70A.110, urban area shall be defined as the areas within the adopted boundaries.

(6) Wetland - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include artificial wetlands intentionally created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands shall include artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands if permitted by the county.

DATED this 23rd day of July, 1992.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Liz McLaughlin  
Chairperson

ATTEST:

Sheila McAllister  
Clerk of the Council, asst

(  ) APPROVED  
( ) VETOED  
( ) EMERGENCY

DATE: 7/26/92  
[Signature]  
County Executive

ATTEST:  
Marilyn B. Abel