

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

AMENDED
ORDINANCE NO. 92-101



ADOPTING INTERIM REGULATIONS TO
CONSERVE FOREST LANDS AMENDING
SNOHOMISH COUNTY CODES TITLES 17, 18, 19, 20 AND 32

WHEREAS, the goals of the Growth Management Act of 1990, as amended (hereinafter referred to as "GMA") relating to resource lands are to maintain and enhance natural resource-based industries, including productive timber, agriculture and fisheries industries, and to encourage the conservation of productive forest lands and productive agriculture lands, and discourage incompatible uses; and

WHEREAS, the countywide comprehensive plan required by the GMA will address the forest resource needs of the timber industry, classify and designate commercial forest lands, and adopt policies to conserve commercial forest lands for timber production, consistent with the GMA; and

WHEREAS, conservation of productive forest lands is needed to prevent further conversion and fragmentation of remaining productive forest lands until the countywide comprehensive plan is adopted; and

WHEREAS, the GMA requires the county to classify, designate and adopt interim development regulations to conserve productive forest lands during the interim planning period prior to adoption and implementation of the countywide comprehensive plan; and

WHEREAS, the Snohomish County timber industry is productive and contributes significantly to the economic vitality of several communities in Snohomish County, as set forth in Section II.A. of the Interim Forest Land Conservation Plan adopted by Snohomish County Council Motion 92-283; and

WHEREAS, due to large cutbacks in the federal timber supply to local mills, the health of the timber industry and dependant communities in Snohomish County depends on the availability of timber from state and private commercial forest lands; and

WHEREAS, forest management costs per acre increase rapidly on parcels smaller than 40 to 50 acres, and the economies of scale for timber production are reached at around 80 acres as more fully set forth in the Interim Forest Land Conservation Plan; and

WHEREAS, county zoning regulations have left state and private commercial forest lands vulnerable to subdivision into parcels too small to be efficiently managed for commercial timber production; and

WHEREAS, 9,732 acres of commercial forest land have been removed from timber tax categories since 1988, indicating conversion of commercial forest lands to other uses; and

WHEREAS, in 1990 and 1991, 5,405 acres of productive commercial forest land, as defined by the Interim Forest Land Conservation Plan, were segregated into 339 lots of about 20 acres each; and

WHEREAS, remaining commercial forest lands in the county are threatened by conversion to residential and other uses incompatible with commercial forestry, as set forth in the Interim Forest Land Conservation Plan; and

WHEREAS, the productivity of remaining commercial forest lands in the County is threatened by the intrusion of conflicting adjacent land uses;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. A new chapter 32.13 is added to Snohomish County Code title 32 as follows:

CHAPTER 32.13

INTERIM FOREST LAND CONSERVATION REGULATIONS

Sections:

- 32.13.010 Definitions
- 32.13.020 Subdivision restrictions
- 32.13.030 Siting of dwellings on or adjacent to interim forest lands
- 32.13.040 Notice of commercial forestry activities required
- 32.13.050 Establishment of resource protection areas required
- 32.13.060 Applicability

32.13.010 Definitions.

(1) Interim forest lands means all lands designated Interim Commercial Forest or Interim Forest Reserve by Snohomish County Council Motion 92-283.

(2) Resource Protection Area means an area a minimum of 50 feet in width that is located along the boundaries of lands designated interim forest land. Resource protection areas shall be recorded in the manner required by law for covenants running with the land. Dwellings shall not be located in the resource protection area and this use restriction shall be considered in calculating the assessed value of the property.

32.13.020 Subdivision restrictions.

(1) There shall be no subdivision of land designated Interim Commercial Forest until the final commercial forest designation is established and the comprehensive plan and implementing development regulations are adopted pursuant to the GMA. Subdivision to allow installation of communication and utility facilities may be allowed if all the following requirements are met:

- (a) the facility cannot suitably be located on undesignated land;
- (b) the installation cannot be accomplished without subdivision;
- (c) the facility is to be located on the lowest feasible grade of forest land; and
- (d) the facility removes as little land as possible from timber production.

(2) Land designated Interim Forest Reserve shall not be divided into parcels of less than 80 acres in size.

32.13.030 Siting of dwellings on or adjacent to interim forest lands. New dwellings proposed to be located on interim forest lands or on parcels adjacent to interim forest lands shall:

(1) establish and maintain a minimum 50 foot setback from the boundaries of adjacent interim forest lands except as follows:

- (a) If the size, shape, and/or physical site constraints of an existing legal lot do not allow for a setback of 50 feet, the new dwelling shall maintain the maximum setback possible within the physical constraints of the lot;
- (b) If the owner of the land on which the new dwelling is proposed and the owner of the adjacent designated forest land each sign and file for record, in the manner required by law for covenants running with the land, a document which establishes an alternative setback for one or both of the adjacent properties, a setback of less than 50 feet may be maintained; or
- (c) If the parcel proposed for development is larger than 10 acres in size, is zoned forestry and adjacent to property zoned forestry, the setback shall be 100 feet as required by Title 18, Chapter 18.42;

(2) require a notice signed by the developing landowner and recorded with the title of the developing property, which explains:

(a) the physical and aesthetic risks involved in locating a house within 200 feet of commercial forest lands; and
(b) the ability of the forest land owner to practice forestry using management practices as allowed under Title 222 WAC;

(3) provide adequate access for fire vehicles; and

(4) if located within 200 feet of property designated interim forest land, require a record of perimeter survey with a building permit application.

32.13.040 Notice of commercial forestry activities required. All subdivisions, short subdivisions, building permits, and development permits of any kind, issued for development activities on, or within 300 feet of, interim forest lands shall contain a notice that the subject property is within or near interim forest lands on which a variety of commercial activities could occur that may not be compatible with residential development for certain periods of limited duration.

32.13.050 Establishment of resource protection areas required. Subdivisions, short subdivisions and rural cluster subdivisions of parcels adjacent to interim forest land shall establish a resource protection area of a minimum 200 foot width along interim forest land boundaries.

32.13.060 Applicability. For purposes of environmental review pursuant to the State Environmental Policy Act, RCW 43.21C, and the Snohomish County Environmental Policy Ordinance, Title 23, SCC, this chapter shall apply to all subdivisions, short subdivisions, building permits and development permits of any kind for which a complete application is received on or after December 14, 1992.

Section 2 Planning Policies. The following planning policies shall guide staff preparation of the forestry element of the countywide comprehensive plan required by the GMA:

(1) Planning Policy 1: By July 1, 1992, the county shall develop an ordinance to allow clustering of homes on Interim Forest Reserve land in exchange for most of the land being placed in a forest conservancy that encourages timber production. If, by May 1, 1993, an ordinance to allow clustering of homes is not adopted, the council shall pass an ordinance repealing SCC 32.13.020 (2) until such time as an ordinance allowing clustering of homes is adopted.

(2) Planning Policy 2: Within six months of the date this ordinance is adopted, the county shall adopt a "Right to Practice Forestry" ordinance that discourages adjacent landowners from filing a nuisance suit against a interim forest land owner who is operating under best management practices as defined by current Washington Forest Practice Rules and Regulations.

(3) Planning Policy 3: The county shall evaluate the forest tract size needed to sustain profitable commercial timber production for each forest land classification.

(4) Planning Policy 4: The county shall estimate the existing timber supply in the County and the quality and quantity of timber necessary to maintain and enhance the existing timber industry.

(5) Planning Policy 5: The county shall study the feasibility of purchase and/or transfer of development right programs (PDR and TDR) as a means of conserving designated forest land. If, the feasibility study concludes that PDR and/or TDR would be an effective means of conserving designated forest land, an ordinance to allow purchase and/or transfer of development rights shall be adopted.

(6) Planning Policy 6: The county shall evaluate existing and additional incentives for forest land conservation, including tax incentives.

(7) Planning Policy 7: The county shall develop a public education program on forestry as part of the development of the comprehensive plan.

(8) Planning Policy 8: Applicants for building permits for new dwellings proposed to be located on interim forest lands or on parcels adjacent to interim forest lands may establish a resource protection area.

(9) Planning Policy 9: When the county adopts an ordinance that allows clustering of homes in rural area subdivisions, subdivision and short subdivision of parcels adjacent to interim forest lands shall be required to cluster home sites away from interim forest lands.

(10) Planning Policy 10: The county shall review landowners' requests to have their land excluded from an interim forest land designation. Requests for exclusion shall be accepted by the county for six months following the adoption of the Interim Forest Land Conservation Plan. The properties to be reviewed under this policy shall be evaluated for their consistency with the five criteria described in Section III of the Interim Forest Land Conservation Plan and for the presence of other interim resource land designations; and a site visit from Planning Department staff shall be conducted as part of the review. Where a single parcel has been placed in more than one interim resource land designation, Planning Department staff shall evaluate the property and recommend a single interim resource land designation. Recommended changes in the interim forest land boundary resulting from review of individual properties shall be processed as a comprehensive plan amendment. This policy shall be repealed when permanent forest lands are designated as part of the countywide comprehensive plan.

(11) Planning Policy 11: The county shall review landowners' requests to have their land designated as interim forest land. Requests for designation shall be accepted by the county until permanent forest lands are designated as part of the countywide comprehensive plan. Planning staff shall develop criteria for evaluating requests for inclusion; and a site visit from Planning Department staff shall be conducted as part of the review. Recommended changes in the interim forest land boundary resulting from review of individual properties shall be processed as a comprehensive plan amendment. This policy shall be repealed when permanent forest lands are designated as part of the countywide comprehensive plan.

(12) Planning Policy 12: The county shall evaluate the effectiveness and feasibility of innovative techniques to conserve interim forest lands, including fee simple purchase, less than fee simple purchase, purchase and lease back, land trades, and conservation easements. Findings shall be included as part of the countywide comprehensive plan.

New Section, Section 3. A new section 17.04.035 is added to Snohomish County Code chapter 17.04 as follows:

17.04.035 Interim forest lands. The provisions of this chapter are subject to the requirements of chapter 32.13 SCC. In the event of a conflict between a provision in this chapter and chapter 32.13 SCC, the requirements of chapter 32.13 SCC shall control.

New Section, Section 4. A new section 18.11.035 is added to Snohomish County Code chapter 18.11 as follows:

18.11.035 Interim forest lands. The provisions of this title are subject to the requirements of chapter 32.13 SCC. In the event of a conflict between a provision in this title and chapter 32.13 SCC, the requirements of chapter 32.13 SCC shall control.

New Section, Section 5. A new section 19.08.015 is added to Snohomish County Code chapter 19.08 as follows:

19.08.015 Interim forest lands. The provisions of this title are subject to the requirements of chapter 32.13 SCC. In the event of a conflict between a provision in this title and chapter 32.13 SCC, the requirements of chapter 32.13 SCC shall control.

New Section, Section 6. A new section 20.12.015 is added to Snohomish County Code chapter 20.12 as follows:

20.12.015 Interim forest lands. The provisions of this title are subject to the requirements of chapter 32.13 SCC. In the event of a conflict between a provision of this title and chapter 32.13 SCC, the requirements of chapter 32.13 SCC shall control.

Section 7 Repealer. This Ordinance is hereby repealed on July 1, 1994, unless amended or reenacted prior to that date.

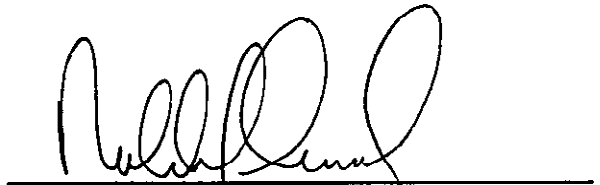
PASSED this 14th day of December, 1992.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Chairperson

ATTEST:


Clerk of the Council, *asst.*


County Executive
Date: 12/22/92

() APPROVED
() VETOED
() EMERGENCY