

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON
Amended
EMERGENCY ORDINANCE NO. 95-048



REGULATIONS TO CONSERVE FOREST LANDS, AMENDING ORDINANCE 92-101 AND
SNOHOMISH COUNTY CODE 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, on December 14, 1992, the County adopted the Interim Forest Land Conservation Plan (Motion No. 92-283) and Interim Regulations to Conserve Forest Lands (Ordinance 92-101), to conserve productive forest lands until the County Comprehensive Plan is adopted; and

WHEREAS, the Snohomish County Comprehensive Plan General Policy Plan (hereinafter referred to as the GPP), adopted by Ordinance 94-125, establishes resource land designations and policies to conserve resource lands, replacing the Interim Forest Land Conservation Plan policies and interim forest land designations; and

WHEREAS, the Interim Regulations to Conserve Forest Land should be revised to conserve resource lands designated in the GPP consistent with the GPP policies and to repeal sections of Ordinance 92-101 which are no longer applicable;

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1:

Snohomish County Code Chapter 32.13, last amended by Ordinance 94-053 on June 20, 1994, is amended to read 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 (~~dwelling~~~~s on or~~) new structures adjacent to (~~interim~~) forest lands or on lands designated Local Forest

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- 32.13.040 (~~Notice of commercial forestry activities required~~) Siting of new structures on lands designated Commercial Forest
- 32.13.050 Establishment of resource protection areas required
- 32.13.060 Applicability

32.13.010 Definitions.

(1) Commercial Forest means all lands designated Commercial Forest or Commercial Forest - Forest Transition Area by Snohomish County Council Ordinance No. 94-125.

(~~2~~) (~~Interim f~~) Forest lands means all lands designated ((Interim)) Commercial Forest or ((Interim)) Local Forest ((Reserve)) by Snohomish County Council ((Motion 92-283)) Ordinance No. 94-125.

(3) Forest Transition Area means all lands designated Commercial Forest - Forest Transition Area by Snohomish County Council Ordinance No. 94-125. This designation consists of lands which: a) are within the Commercial Forest designation, b) form a boundary along the border with non-forest lands, and c) are one-quarter mile in depth.

(~~4~~) Resource Protection Area means an area ((a minimum of 50 feet in width)) that is ((located along the boundaries of)) adjacent to ((lands)) designated ((interim)) forest land or farmland. Resource protection areas shall be recorded in the manner required by law for covenants running with the land. ((Dwellings)) Structures 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)) Local Forest ((Reserve)) shall not be divided into parcels of less than 80 acres in size except through a Rural Cluster Subdivision as provided under Chapter 32.30 SCC.

32.13.030 Siting of dwellings on or new structures adjacent to

interim forest lands or on land designated Local Forest. Builders of
((N))new ((dwellings)) structures proposed to be located on ((interim
forest lands or on)) parcels adjacent to ((interim)) forest lands or
on lands designated Local Forest shall:

(1) establish and maintain a minimum ((50)) 100 foot setback, which shall be a resource protection area, from the property 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)) 100 feet, the new ((dwelling)) structure shall maintain the maximum setback possible ((within the physical constraints of the lot)); or

(b) If the owner of the land on which the new ((dwelling)) structure 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)) 100 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)) submit 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)) structure within 200 feet of ((commercial)) forest lands; and))~~

~~((b))~~ (a) 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 the proposed ((dwelling)) structure is located within 200 feet of the boundary of the property designated ((interim)) forest land, survey the property boundaries that abut forest land, locate the property boundaries on the ground, and submit ((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.))~~

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32.13.040 Siting of new structures on lands designated Commercial Forest. Builders of new structures proposed to be located on parcels designated Commercial Forest, but not within a designated Commercial Forest - Forest Transition Area, shall:

(1) establish and maintain a minimum 500 foot setback, which shall be a resource protection area, from the property boundaries of adjacent Commercial Forest lands except as follows:

(a) If the size, shape and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible.

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)) 100 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, 1994.))~~

32.13.065 Applicability.

(1) 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, Snohomish County Code Chapter 32.13 as originally adopted by Ordinance 92-101 shall apply to all subdivisions, short subdivisions, building permits and development permits of any kind for which a complete application was received on or after December 14, ((1994)) 1992 but prior to the effective date of Ordinance No. 94-125.

(2) 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, Snohomish County Code Chapter 32.13, as amended by Ordinance 95-048, 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 the effective date of Ordinance No. 94-125.

SECTION 2:

Section 2. of Ordinance 92-101 as adopted by the County Council on December 14, 1992 is hereby repealed.

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SECTION 3:

Section 17.04.035 last amended by Ordinance 94-084 on September 7, 1994 is amended to read as follows:

17.04.035 ((Interim)) Resource lands. The provisions of this title are subject to the requirements of chapters 32.13, 32.14, 32.15, and 32.20 SCC. In the event of a conflict between a provision in this title and chapters 32.13, 32.14, 32.15, and 32.20 SCC, the requirements of chapters 32.13, 32.14, 32.15 and 32.20 SCC shall control.

SECTION 4:

Section 18.11.035 last amended by Ordinance 94-084 on September 7, 1994 is amended to read as follows:

18.11.035 ((Interim)) Resource lands. The provisions of this title are subject to the requirements of chapters 32.13, 32.14, 32.15, and 32.20 SCC. In the event of a conflict between a provision in this title and chapters 32.13, 32.14, 32.15, and 32.20 SCC, the requirements of chapters 32.13, 32.14, 32.15, and 32.20 SCC shall control.

SECTION 5:

Section 19.08.015 last amended by Ordinance 94-084 on September 7, 1994 is amended to read as follows:

19.08.015 ((Interim)) Resource lands. The provisions of this title are subject to the requirements of chapters 32.13, 32.14, 32.15, and 32.20 SCC. In the event of a conflict between a provision in this title and chapters 32.13, 32.14, 32.15, and 32.20 SCC, the requirements of chapters 32.13, 32.14, 32.15, and 32.20 SCC shall control.

SECTION 6:

Section 20.12.015 last amended by Ordinance 94-084 on September 7, 1994 is amended to read as follows:

20.12.015 ((Interim)) Resource lands. The provisions of this title are subject to the requirements of chapters 32.13, 32.14, 32.15, and 32.20 SCC. In the event of a conflict between a provision in this title and chapters 32.13, 32.14, 32.15, and 32.20 SCC, the requirements of chapters 32.13, 32.14, 32.15, and 32.20 SCC shall control.

SECTION 7:

Effective date. This ordinance shall be effective on the date Ordinance No. 94-125 becomes effective.

SECTION 8:

Emergency Declared. The Council finds that it is necessary for this ordinance to be effective on the same date as the ordinance approving the GMA required Comprehensive Plan, Ordinance 94-125. insufficient time exists for this ordinance to take effect on or before that date under the normal non-emergency ordinance adoption process. The Council further finds that this ordinance is necessary for the support of county government and its existing public institutions. Based on the foregoing, the county council declares that an emergency exists and this ordinance shall take effect as provided for in Section 7.

PASSED this 10th day of July, 1995.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Karen Miller
Chairperson

ATTEST:

Kathryn J. Bratcher
Clerk of the Council

Approved as to Form Only:

Deputy Prosecuting Attorney

DATE: 7-13-95

- (X) APPROVED
- () VETOED
- () EMERGENCY

Date: 7/13/95

ATTEST:

Linda McCre

Gary Weikel
GARY WEIKEL
Executive Director
County Executive

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