

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED
EMERGENCY ORDINANCE NO. 95-050

AMENDING SNOHOMISH COUNTY CODE TITLE 32 RELATING TO A DESIGNATED
MINERAL RESOURCE LANDS NOTICE REQUIREMENT PURSUANT TO THE
GROWTH MANAGEMENT ACT (CHAPTER 36.70A RCW)

WHEREAS, the Washington State Growth Management Act of 1990, as amended (hereinafter GMA), states in its Planning Goals (RCW 36.70A.020(8)) that local planning efforts should "maintain and enhance natural resource-based industries;" and

WHEREAS, the GMA (RCW 36.70A.170(1)(c)) requires cities and counties to designate mineral resource lands that are not already characterized by urban growth and that have long-term commercial significance for the extraction of minerals; and

WHEREAS, the County Council has designated mineral resource lands as required by the GMA in the Snohomish County Comprehensive Plan - General Policy Plan, adopted JUNE 28, 1995; and

WHEREAS, the GMA (RCW 36.70A.060(1)) requires that cities and counties shall require that all plats, short plats, development permits, and building permits issued for development activities on, or within 300 feet of, lands designated as mineral resource lands, contain a notice that the subject property is within or near designated mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration; and

WHEREAS, The Snohomish County Comprehensive Plan - General Policy Plan, adopted by Ordinance 94-125, incorporates the mineral lands notice requirement of RCW 36.70A.060 (1) as Land Use Policy 9.C.1. The policy states that "[t]he county shall adopt regulations concurrent with the adoption of the General Policy Plan which provide that all plats, short plats, development permits, and building permits issued for development activities on or within two thousand feet of lands designated as mineral resource lands shall contain a notice that the subject property is within or near designated mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration"; and

WHEREAS, the county conducted a broadly-based public involvement and review process of the GPP and proposed implementation measures; and

ORD. 95-050 RE: MINERAL LANDS NOTICE; PURSUANT TO THE GMA OF 1990 AS
AMEND. & AMEND. SCC TITLE 32 - PAGE 1
p:\data\winword6\gppimpl\mineral.doc (stm)

WHEREAS, Ordinance 95-050 has been reviewed by the county and determined to be internally consistent and consistent with the Snohomish County Code, the GPP, the countywide planning policies for Snohomish County, the Vision 2020 regional policy plan and multi-county planning policies adopted by the Puget Sound Regional Council, and the GMA; and

WHEREAS, the County Council held public hearings on July 10, 1995 to consider Ordinance 95-050.

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The following new chapter is added to Title 32 of the Snohomish County Code:

Chapter 32.16

DESIGNATED MINERAL RESOURCE LANDS NOTICE

Sections

32.16.010	Purpose.
32.16.020	Definitions.
32.16.030	Notice Required.
32.16.040	Text of notice.
32.16.050	Severability.
32.16.060	Effective date.

32.16.010 Purpose. The purpose of this chapter is to implement notice requirements established by the Growth Management Act (GMA) (RCW 36.70A.060(1)) and Land Use Policy 9.C.1 of the Snohomish County Comprehensive Plan - General Policy Plan, and to promote the policy that the use of lands adjacent to designated mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of lands designated for the extraction of minerals as required by the GMA (RCW 36.70.060(1)).

32.16.020 Definitions. In this chapter, the words and phrases used, unless the context otherwise expressly indicates, shall have the following meanings:

(1) "Designated mineral resource land" means any land designated as a mineral resource land pursuant to RCW 36.70A.170 (1)(c) by the Snohomish County Comprehensive Plan - General Policy Plan adopted by Snohomish County Council Ordinance 95-125.

(2) "Building permit" means a land use permit or approval issued under Title 17 SCC by Snohomish County, except permits for Group M Occupancies, plumbing and mechanical.

(3) "Development permit" means a permit requiring discretionary review, including but not limited to subdivision approval, short plat approval, planned residential development approval, special use permit, shoreline substantial development permit, and a conditional use permit.

(4) "Established mine" means a site which is designated mineral resource land upon which the activity of excavating minerals is occurring at the time notice is required to be given under SCC 32.16.030 and:

a. Snohomish County has authorized the activity subject to a current conditional use permit, or

b. Snohomish County has determined the activity to be a legal non-conforming use.

32.16.030 Notice required. The notice text set forth in SCC 32.16.040 shall be used under the following circumstances and in the following manners:

(1) Development permits and building permits for land that is designated mineral resource land or land that is within 2000 feet of designated mineral resource land shall include the notice contained in SCC 32.16.040. The notice requirement shall apply to the real property which is subject to the development or building permit only so long as the subject property is designated or is within 2000 feet of land that is designated mineral resource land.

(2) Within 90 days of the effective date of this chapter and each three years after the effective date, Snohomish County shall mail a copy of the notice text in SCC 32.16.040, with an explanatory informational attachment, to owners of established mines on designated mineral resource land and to owners of real property within approximately 2000 feet of established mines on designated mineral resource land.

(3) Prior to the closing of a transfer of real property comprising an established mine on designated mineral resource land or real property adjacent to or within 2000 feet of an established mine on designated mineral resource land, by sale, exchange, gift, real estate contract, lease with option to purchase, any other option to purchase or any other means of transfer (except transfers made by testamentary provisions or the laws of descent), the transferor shall provide the transferee a copy of the disclosure text in SCC 32.16.040 and shall record with the county auditor a copy of the same showing an acknowledgment of receipt executed by the transferee in a form prescribed by the director of the Department of Planning and Development Services.

The form of the acknowledged disclosure text shall include a statement that the disclosure notice applies to the subject real property as of the date of the transfer and may not be applicable thereafter if areas designated mineral resource land are changed from designated mineral resource land.

32.16.040 Text of notice. The following language shall constitute the notice required by SCC 32.16.030:

"The real property subject to this notice is designated mineral resource land or is land within 2000 feet of designated mineral resource land on which mineral extraction, or a variety of activities related to mineral extraction, may occur that are not compatible with residential development for certain periods of limited duration.

32.16.050 Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of the chapter.

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

The notice requirements of SCC 32.16.030 and .040 shall apply to all building and development permit applications which are filed and real property transactions which occur on or after the effective date of this chapter.

Section 2. 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 1.

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
 VETOED
 EMERGENCY

DATED: 7-12-95

Joan M. Earl
County Executive
JOAN M. EARL
Deputy Executive

Approved as to form only:

ATTEST:

Deputy Prosecuting Attorney

Linda M. Earl

D-4