

---

**From:** Julia Gold <jgold@tulaliptribes-nsn.gov>  
**Sent:** Wednesday, October 6, 2021 9:46 AM  
**To:** Contact Council  
**Subject:** Tulalip Comment Letter Ord 21-060  
**Attachments:** Tulalip Tribes Comment Letter re Ord 21-060 Mineral Lands.pdf

**SNOHOMISH COUNTY COUNCIL**

**EXHIBIT #** 3.3.1

**FILE** ORD 21-060

**CAUTION :** This email originated from outside of this organization. Please exercise caution with links and attachments.

Good Morning,

Please see attached comment letter from the Tulalip Tribes regarding Ord. No 21-060.  
Please verify receipt.

Thank you,

Julia



**Julia Gold**

*Planning Manager*

6406 Marine Drive  
Tulalip, WA 98271

**E-mail** [jgold@tulaliptribes-nsn.gov](mailto:jgold@tulaliptribes-nsn.gov)

**Office** 360-716-4210

**Cell** 360-631-2655



Board of Directors:

Teri Gobin – Chair  
Glen Gobin – Vice Chair  
Marie Zackuse – Secretary  
Pat Contraro – Treasurer  
Mel R. Sheldon, Jr. – Council Member  
Hazen Shopbell – Council Member  
Misty Napeahi – Council Member

6406 Marine Dr  
Tulalip, WA 98271-9694  
360-716-4500  
Fax 360-716-0628

The Tulalip Tribes are federally recognized successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.

October 5, 2021

Snohomish County Council  
3000 Rockefeller Ave M/S 609  
Everett, WA 98201

Snohomish County Council Hearing October 6, 2021, 6:30 pm

Tulalip Tribes Comments re: Proposed Ordinance No. 21-060, titled: RELATING TO GROWTH MANAGEMENT, REPEALING CHAPTER 30.31D OF THE SNOHOMISH COUNTY CODE, AMENDING THE SNOHOMISH COUNTY COMPREHENSIVE PLAN, OFFICIAL ZONING MAP, AND CHAPTERS 30.21, 30.22, 30.23, 30.25, 30.26, 30.32C, 30.41C, 30.65, 30.66B, 30.67, 30.91A, 30.91D, AND 30.91E OF THE SNOHOMISH COUNTY CODE TO REVISE MINERAL RESOURCE LAND POLICIES AND DEVELOPMENT REGULATIONS

Honorable County Council,

The Tulalip Tribes (“Tribes”) are the successors in interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the 1855 Point Elliott Treaty with the United States government. Pursuant to this nation-to-nation treaty, the Tribes reserved as a permanent homeland for Tulalip people the just over 22,000-acre Tulalip Indian Reservation, including the tidelands thereof to meet the cultural and physical needs of Coast Salish people. The aboriginal tidelands have never been ceded by treaty, deed, congressional act, or any other means. Further, the Tribes continue to exercise sovereign jurisdiction over the Tulalip Indian Reservation, and have a vital interest in all development activities occurring within the reservation, especially those affecting the sensitive tideland environments.

To further this goal, the Tribes adopted its own Mining Code recognizing that the extraction of minerals by surface mining within the Tulalip Reservation has the potential to significantly affect the natural and cultural resources of the Tulalip Tribes, including the lands and waters of the Tribes, and the health, safety, and welfare of the Reservation community.

Therefore, the Tribes have an interest in ensuring that the County’s policies do not adversely affect the Reservation’s resources. The Snohomish County Comprehensive Plan Policy LU-9.A.13 currently does not require consultation with affected tribes if a mineral site lies within the exterior boundaries of a tribal reservation, only within one mile of a reservation. Given the checkerboard land ownership patterns on the Tulalip Reservation, mining operations can and have existed on non-tribal owned land within the Reservation. Because of the Reservation’s makeup, it is imperative to the Tulalip Tribes that this oversight be corrected by addressing this issue in the current amendments to the County’s Mineral Resource land

policies and development regulations to include meaningful tribal consultation both on and within one mile of a tribal reservation.

The Tulalip Tribes propose the following amendment to Comprehensive Plan Policy LU-9.A.13 (and any other sections citing the same language).

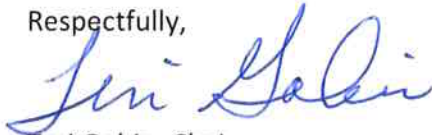
*Snohomish County Comprehensive Plan policy LU-9.A.13:*

*The county shall remove((, by amendment of the comprehensive plan,)) the mineral resource land designation ((any mineral site certified as restored by)) of mineral sites for which reclamation permits have been canceled by the Washington Department of Natural Resources and that no longer meet mineral resource land designation criteria. If the mineral site lies within the exterior boundaries of, or within one mile of a tribal reservation or Urban Growth Area boundary, the county shall consult with the affected tribe or city regarding the comprehensive plan amendment.*

Good government-to-government consultation should occur when policy changes are initiated, not during the final approval process.

Thank you for your consideration of this rather minor amendment to the proposed policies.

Respectfully,



Teri Gobin, Chair

Tulalip Tribes

CC: Julia Gold, Planning Manager  
Ryan Miller, Director Treaty Rights

**Affidavit of Publication**

State of Washington }  
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH938668 ORDINANCE 21-060 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/22/2021 and ending on 09/22/2021 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$232.32.

[Signature]

Subscribed and sworn before me on this 22<sup>nd</sup> day of September 2021.

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL  
RECEIVED \_\_\_\_\_ TIME \_\_\_\_\_

SEP 24 2021

[Handwritten initials]

CC'D TO \_\_\_\_\_ CF \_\_\_\_\_  
JLM \_\_\_\_\_ DIST 1 \_\_\_\_\_ GOT \_\_\_\_\_  
JDG \_\_\_\_\_ DIST 2 \_\_\_\_\_ DLE \_\_\_\_\_  
YSW \_\_\_\_\_ DIST 3 \_\_\_\_\_ ALC \_\_\_\_\_  
HCB \_\_\_\_\_ DIST 4 \_\_\_\_\_ ELL \_\_\_\_\_  
NAG \_\_\_\_\_ DIST 5 \_\_\_\_\_ CMF \_\_\_\_\_



SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
NOTICE OF INTRODUCTION OF ORDINANCE  
AND

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on October 6, 2021, at the hour of 6:30 p.m. and continuing thereafter as necessary, in the Henry M. Jackson Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington, to consider proposed Ordinance No. 21-060, titled: "RELATING TO GROWTH MANAGEMENT, REPEALING CHAPTER 30.31D OF THE SNOHOMISH COUNTY CODE, AMENDING THE SNOHOMISH COUNTY COMPREHENSIVE PLAN, OFFICIAL ZONING MAP, AND CHAPTERS 30.21, 30.22, 30.23, 30.25, 30.26, 30.32C, 30.41C, 30.65, 30.66B, 30.67, 30.91A, 30.91D, AND 30.91E OF THE SNOHOMISH COUNTY CODE TO REVISE MINERAL RESOURCE LAND POLICIES AND DEVELOPMENT REGULATIONS."

**NOTE:** Due to current COVID-19 restrictions, Snohomish County Council is currently holding its public meetings remote only and will hold in-person meetings in conjunction with a remote platform when restrictions and conditions change.

Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information.

<https://www.snohomishcountywa.gov/2288/Meetings-Webcasts> or contact the Council Clerk at 425-388-3494 or at [contact.council@snoco.org](mailto:contact.council@snoco.org).

**Zoom Webinar Information:**

Join online at <https://zoom.us/j/94846850772>  
or by telephone call 1-253-215-8782 or 1-301-715-8592

Meeting ID: 948 4685 0772

**Background:** In accordance with Revised Code of Washington (RCW) 36.70A.050 and 36.70A.170 and Washington Administrative Code (WAC) 365-190-070 and 365-196-480, the county designates mineral resource lands of long-term commercial significance. Designation is implemented in the Comprehensive Plan through the Mineral Resource Overlay (MRO) and the official zoning map through the Mineral Conservation (MC) zone. This proposal will amend Snohomish County Code, the Land Use Chapter of the General Policy Plan (GPP) of the Comprehensive Plan, the Mineral Resource Lands Map, and the zoning map to: 1) allow for the use of a development agreement to plan for the post-extractive use of active mining sites; 2) repeal the MC zone and relocate all applicable standards to Chapter 30.32C SCC; 3) affix the MRO to all lands that are currently located in the MC zone; and 4) rezone all lands currently in the MC zone to one of the three following zones: consistent with the underlying designation in the comprehensive plan future land use map: Agriculture-10 Acre (A-10), Forestry (F), or Rural 5-Acre (R-5).

A summary of the proposed ordinance is as follows:

**PROPOSED ORDINANCE NO. 21-060**

**Sections 1, 2, and 3.** Adopts recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

**Section 4.** Amends the Land Use chapter of the GPP under Objectives LU 9 A and LU 9 B, to revise LU Policies 9 A 13 and 9 B 2 and to add a new policy.

**Section 5.** Amends Map 2 (Mineral Resource Lands Map) of the GPP to affix the MRO to all areas currently within the MC zone.

**Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15.** Amends SCC 30.21.020, SCC 30.21.025, SCC 30.22.110, SCC 30.22.130, SCC 30.23.030, SCC 30.23.040, SCC 30.23.045, SCC 30.25.020, SCC 30.25.027, and SCC 30.26.030 to delete references to the MC zone and correct cross references to provisions in Chapter 30.32C SCC.

**Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 33, 34, 35, and 36.** Repeals Chapter 30.31D SCC (Mineral Conservation (MC) Zone) in its entirety and relocates and recodifies all section therein to Chapter 30.32C (Mineral Resource Lands), as follows: (a) SCC 30.31D.010 (Purpose and applicability)

is combined with SCC 30.32C.010 (Purpose and applicability); (b) SCC 30.31D.020 is moved, intact, to SCC 30.32C.020; (c) SCC 30.31D.030 is moved, intact, to SCC 30.32C.030; (d) SCC 30.31D.040 is moved, intact, to SCC 30.32C.040; (e) SCC 30.31D.100 (General performance standards) is combined with SCC 30.32C.100 (which is retitled Excavation and processing of minerals: general performance standards); (f) SCC 30.31D.110 is moved, intact, to SCC 30.32C.110; (g) SCC 30.31D.120 is moved, intact, to SCC 30.32C.120; (h) SCC 30.31D.130 is moved, intact, to SCC 30.32C.130; (i) SCC 30.31D.135 is moved, intact, to SCC 30.32C.135; (j) SCC 30.31D.140 is moved, intact, to SCC 30.32C.140; (k) SCC 30.31D.145 is moved, intact, to SCC 30.32C.145; (l) SCC 30.31D.150 is moved, intact, to SCC 30.32C.155; (m) SCC 30.31D.160 is moved, intact, to SCC 30.32C.160; (n) SCC 30.31D.210 is moved, intact, to SCC 30.32C.210; (o) SCC 30.31D.220 is moved, intact, to SCC 30.32C.220; (p) SCC 30.31D.230 is moved, intact, to SCC 30.32C.230; and (q) SCC 30.31D.240 is moved, intact, to SCC 30.32C.240.

**Section 28.** Renumbers SCC 30.32C.150 to SCC 30.32C.050 and adds new language that allows the use of a development agreement to permit subdivision of land within the R-5 zone that is also located within the MRO.

**Section 31.** Renumbers SCC 30.32C.200 to SCC 30.32C.300 and amends it to correct cross references.

**Section 32.** Renumbers SCC 30.32C.210 to SCC 30.32C.310 and amends it to correct cross references.

**Section 37.** Adds SCC 30.32C.250 to allow for the use of development agreements to plan for the transition of mineral extraction sites that are approaching depletion to their post-extractive use.

**Sections 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47.** Amends SCC 30.41C.020, SCC 30.41C.050, SCC 30.41C.100, SCC 30.41C.110, SCC 30.41.130, SCC 30.65.220, SCC 30.66B.035, SCC 30.66B.080, SCC 30.67.220, and SCC 30.67.560 to update code references and delete references to the MC zone as applicable.

**Sections 48, 49, and 50.** Amends chapters 30.91A, 30.91D, and 30.91E to amend and add definitions related to mineral resource extraction.

**Section 51.** Amends the County's Official Zoning Map to rezone all areas zoned Mineral Conservation (MC) to one of the three following zones, consistent with the underlying designation in the comprehensive plan future land use map: Agriculture-10 Acre (A-10), Forestry (F), or Rural 5-Acre (R-5).

**Section 52.** Directs the code revisor to update SCC 30.10.060 pursuant to SCC 1.02.020(3).

**Section 53.** Provides a standard severability and savings clause. **State Environmental Policy Act.** State Environmental Policy Act (SEPA) requirements with respect to this non-project action have been satisfied through issuance of Determination of Nonsignificance (DNS) on August 30, 2021. Copies of all applicable SEPA documents are available at the office of the County Council.

**Where to Get Copies of the Proposed Ordinance.** Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing [contact.council@snoco.org](mailto:contact.council@snoco.org).

**Website Access:** The ordinance can also be accessed through the County Council website at: <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>

**Range of Possible Actions the County Council May Take on This Proposal.** At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

**Public Testimony.** Anyone interested may testify concerning the above described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailed to [Contact.Council@snoco.org](mailto:Contact.Council@snoco.org). Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

**Party of Record.** You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

**Americans with Disabilities Act Notice:** Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Debbie Eco at (425) 388-3494, 1(800) 562-4367 X3494, or TDD #1-800-877-8339, or by e-mailing [Debbie.Eco@snoco.org](mailto:Debbie.Eco@snoco.org).

**QUESTIONS:** For additional information or specific questions on the proposed ordinance, please call Mitchell Brouse in the Department of Planning and Development Services at 425-388-5127.

DATED this 17th day of September, 2021  
SNOHOMISH COUNTY COUNCIL  
Snohomish County, Council  
/s/ Stephanie Wright  
Council Chair

ATTEST:  
/s/ Debbie Eco, CMC  
Clerk of the Council  
107010

Published September 22, 2021.

EDH938668

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

## NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on October 6, 2021, the Snohomish County Council adopted Amended Ordinance No. 21-060, which shall be effective October 22, 2021. A summary of the ordinance is as follows:

## AMENDED ORDINANCE 21-060

RELATING TO GROWTH MANAGEMENT; REPEALING CHAPTER 30.31D OF THE SNOHOMISH COUNTY CODE, AMENDING THE SNOHOMISH COUNTY COMPREHENSIVE PLAN, OFFICIAL ZONING MAP, AND CHAPTERS 30.21, 30.22, 30.23, 30.25, 30.26, 30.32C, 30.41C, 30.65, 30.66B, 30.67, 30.91A, 30.91D, AND 30.91E OF THE SNOHOMISH COUNTY CODE TO REVISE MINERAL RESOURCE LAND POLICIES AND DEVELOPMENT REGULATIONS

Sections 1, 2, and 3. Adopts recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends the Land Use chapter of the GPP under Objectives LU 9.A and LU 9.B, to revise LU Policies 9.A.13 and 9.B.2 and to add a new policy.

Section 5. Amends Map 2 (Mineral Resource Lands Map) of the GPP to affix the MRO to all areas currently within the MC zone.

Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15. Amends SCC 30.21.020, SCC 30.21.025, SCC 30.22.110, SCC 30.22.130, SCC 30.23.030, SCC 30.23.040, SCC 30.23.045, SCC 30.25.020, SCC 30.25.027, and SCC 30.26.030 to delete references to the MC zone and correct cross references to provisions in Chapter 30.32C SCC.

Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 33, 34, 35, and 36. Repeals Chapter 30.31D SCC (Mineral Conservation (MC) Zone) in its entirety and relocates and recodifies all section therein to Chapter 30.32C (Mineral Resource Lands), as follows: (a) SCC 30.31D.010 (Purpose and applicability) is combined with SCC 30.32C.010 (Purpose and applicability); (b) SCC 30.31D.020 is moved, intact, to SCC 30.32C.020; (c) SCC 30.31D.030 is moved, intact, to SCC 30.32C.030; (d) SCC 30.31D.040 is moved, intact, to SCC 30.32C.040; (e) SCC 30.31D.100 (General performance standards) is combined with SCC 30.32C.100 (which is retitled Excavation and processing of minerals: general performance standards); (f) SCC 30.31D.110 is moved, intact, to SCC 30.32C.110; (g) SCC 30.31D.120 is moved, intact, to SCC 30.32C.120; (h) SCC 30.31D.130 is moved, intact, to SCC 30.32C.130; (i) SCC 30.31D.135 is moved, intact, to SCC 30.32C.135; (j) SCC 30.31D.140 is moved, intact, to SCC 30.32C.140; (k) SCC 30.31D.145 is moved, intact, to SCC 30.32C.145; (l) SCC 30.31D.150 is moved, intact, to SCC 30.32C.155; (m) SCC 30.31D.160 is moved, intact, to SCC 30.32C.160; (n) SCC 30.31D.210 is moved, intact, to SCC 30.32C.210; (o) SCC 30.31D.220 is moved, intact, to SCC 30.32C.220; (p) SCC 30.31D.230 is moved, intact, to SCC 30.32C.230; and (q) SCC 30.31D.240 is moved, intact, to SCC 30.32C.240.

Section 28. Renumbers SCC 30.32C.150 to SCC 30.32C.050 and adds new language that allows the use of a development agreement to permit subdivision of land within the R-5 zone that is also located within the MRO.

Section 31. Renumbers SCC 30.32C.200 to SCC 30.32C.300 and amends it to correct cross references.

Section 32. Renumbers SCC 30.32C.210 to SCC 30.32C.310 and amends it to correct cross references.

Section 37. Adds SCC 30.32C.250 to allow for the use of development agreements to plan for the transition of mineral extraction sites that are approaching depletion to their post-extractive use.

Sections 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47. Amends SCC 30.41C.020, SCC 30.41.090, SCC 30.41C.100, SCC 30.41C.110, SCC 30.41.130, SCC 30.65.220, SCC 30.66B.035, SCC 30.66B.080, SCC 30.67.220, and SCC 30.67.560 to update code references and delete references to the MC zone as applicable.

Sections 48, 49, and 50. Amends chapters 30.91A, 30.91D, and 30.91E to amend and add definitions related to mineral resource extraction.

Section 51. Amends the County's Official Zoning Map to rezone all areas zoned Mineral Conservation (MC) to one of the three following zones, consistent with the underlying designation in the comprehensive plan future land use map: Agriculture-10 Acre (A-10), Forestry (F), or Rural 5-Acre (R-5).

Section 52. Directs the code revisor to update SCC 30.10.060 pursuant to SCC 1.02.020(3).

Section 53. Provides a standard severability and savings clause.

=====

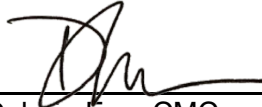
**State Environmental Policy Act:** State Environmental Policy Act (SEPA) requirements with respect to this non-project action have been satisfied through issuance of Determination of Nonsignificance (DNS) on August 30, 2021. Copies of all applicable SEPA documents are available at the office of the County Council.

**Where to Get Copies of the Amended Ordinance:** Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing [contact.council@snoco.org](mailto:contact.council@snoco.org).

**Website Access:** The ordinance can also be accessed through the County Council website at: <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>

DATED this 13<sup>th</sup> day of October, 2021.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Debbie Eco, CMC  
Clerk of the Council

PUBLISH: October 20, 2021

Send Affidavit to: Council  
Send Invoice to: Planning #107010  
NOTICE OF ENACTMENT  
AMENDED ORDINANCE NO. 21-060  
PAGE 2 OF 2



SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

**EXHIBIT #** 3.5.5

**FILE** ORD 21-060

**NOTICE OF ACTION**

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on October 6, 2021.

1. Description of agency action: Approval of Amended Ordinance No. 21-060.
  
2. Description of proposal: RELATING TO GROWTH MANAGEMENT, REPEALING CHAPTER 30.31D OF THE SNOHOMISH COUNTY CODE, AMENDING THE SNOHOMISH COUNTY COMPREHENSIVE PLAN, OFFICIAL ZONING MAP, AND CHAPTERS 30.21, 30.22, 30.23, 30.25, 30.26, 30.32C, 30.41C, 30.65, 30.66B, 30.67, 30.91A, 30.91D, AND 30.91E OF THE SNOHOMISH COUNTY CODE TO REVISE MINERAL RESOURCE LAND POLICIES AND DEVELOPMENT REGULATIONS
  
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to [Contact.Council@snoco.org](mailto:Contact.Council@snoco.org).
  
4. Name of agency giving notice: Snohomish County Council
  
5. This notice is filed by: Debbie Eco  
Clerk of the Council

Date: October 13, 2021

PUBLISH: October 20, 2021

Send Affidavit to: County Council  
Send Invoice to: Planning #107010

# Everett Daily Herald

**SNOHOMISH COUNTY COUNCIL**

## Affidavit of Publication

**EXHIBIT #** 3.5.6

State of Washington }  
County of Snohomish } ss

**FILE** ORD 21-060

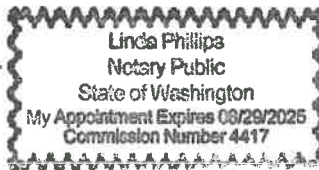
Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH940675 AMENDED ORD 21-060 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/20/2021 and ending on 10/20/2021 and that said newspaper was regularly distributed to its subscribers during all of said period.

SNOHOMISH COUNTY COUNCIL  
RECEIVED \_\_\_\_\_ TIME \_\_\_\_\_

OCT 25 2021

CC/D TO _____	CF _____	GOT _____
JLM _____	DIST 1 _____	DLE _____
JDG _____	DIST 2 _____	ALC _____
YSW _____	DIST 3 _____	ELL _____
HCB _____	DIST 4 _____	CMF _____
NAG _____	DIST 5 _____	

The amount of the fee for such publication is \$137.28.



Subscribed and sworn before me on this 20<sup>th</sup> day of October, 2021.

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on October 6, 2021, the Snohomish County Council adopted Amended Ordinance No. 21-060, which shall be effective October 22, 2021. A summary of the ordinance is as follows:

AMENDED ORDINANCE 21-060  
RELATING TO GROWTH MANAGEMENT: REPEALING  
CHAPTER 30.31D OF THE SNOHOMISH COUNTY CODE  
AMENDING THE SNOHOMISH COUNTY COMPREHENSIVE  
PLAN, OFFICIAL ZONING MAP, AND CHAPTERS 30.21,  
30.22, 30.23, 30.25, 30.26, 30.32C, 30.41C, 30.65, 30.66B,  
30.67, 30.91A, 30.91D, AND 30.91E OF THE SNOHOMISH  
COUNTY CODE TO REVISE MINERAL RESOURCE LAND  
POLICIES AND DEVELOPMENT REGULATIONS

Sections 1, 2, and 3. Adopts recitals, findings, conclusions, and states that the Snohomish County Council bases its decision on the entire record.

Section 4. Amends the Land Use chapter of the GPP under Objectives LU 9.A and LU 9.B, to revise LU Policies 9.A.13 and 9.B.2 and to add a new policy.

Section 5. Amends Map 2 (Mineral Resource Lands Map) of the GPP to affix the MRO to all areas currently within the MC zone.

Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15. Amends SCC 30.21.020, SCC 30.21.025, SCC 30.22.110, SCC 30.22.130, SCC 30.23.030, SCC 30.23.040, SCC 30.23.045, SCC 30.25.020, SCC 30.25.027, and SCC 30.25.030 to delete references to the MC zone and correct cross references to provisions in Chapter 30.32C SCC.

Sections 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 33, 34, 35, and 36. Repeals Chapter 30.31D SCC (Mineral Conservation (MC) Zone) in its entirety and relocates and recodifies all section therein to Chapter 20.32C (Mineral Resource Lands), as follows: (a) SCC 30.31D.010 (Purpose and applicability) is combined with SCC 30.32C.010 (Purpose and applicability); (b) SCC 30.31D.020 is moved, intact, to SCC 30.32C.020; (c) SCC 30.31D.030 is moved, intact, to SCC 30.32C.030; (d) SCC 30.31D.040 is moved, intact, to SCC 30.32C.040; (e) SCC 30.31D.100 (General performance standards) is combined with SCC 30.32C.100 (which is retitled Excavation and processing of minerals: general performance standards); (f) SCC 30.31D.110 is moved, intact, to SCC 30.32C.110; (g) SCC 30.31D.120 is moved, intact, to SCC 30.32C.120; (h) SCC 30.31D.130 is moved, intact, to SCC 30.32C.130; (i) SCC 30.31D.135 is moved, intact, to SCC 30.32C.135; (j) SCC 30.31D.140 is moved, intact, to SCC 30.32C.140; (k) SCC 30.31D.145 is moved, intact, to SCC 30.32C.145; (l) SCC 30.31D.150 is moved, intact, to SCC 30.32C.155; (m) SCC 30.31D.160 is moved, intact, to SCC 30.32C.160; (n) SCC 30.31D.210 is moved, intact, to SCC 30.32C.210; (o) SCC 30.31D.220 is moved, intact, to SCC 30.32C.220; (p) SCC 30.31D.230 is moved, intact, to SCC 30.32C.230 and (q) SCC 30.31D.240 is moved, intact, to SCC 30.32C.240.

Section 28. Renumbers SCC 30.32C.150 to SCC 30.32C.050 and adds new language that allows the use of a development agreement to permit subdivision of land within the R-5 zone that is also located within the MRO.

Section 31. Renumbers SCC 30.32C.200 to SCC 30.32C.300 and amends it to correct cross references.

Section 32. Renumbers SCC 30.32C.210 to SCC 30.32C.310 and amends it to correct cross references.

Section 37. Adds SCC 30.32C.250 to allow for the use of development agreements to plan for the transition of mineral extraction sites that are approaching depletion to their post-extractive use.

Sections 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47. Amends SCC 30.41C.020, SCC 30.41.090, SCC 30.41C.100, SCC 30.41C.110, SCC 30.41.130, SCC 30.65.220, SCC 30.66B.035, SCC 30.66B.080, SCC 30.67.220, and SCC 30.67.560 to update code references and delete references to the MC zone as applicable.

Sections 48, 49, and 50. Amends chapters 30.91A, 30.91D, and 30.91E to amend and add definitions related to mineral resource extraction.

Section 51. Amends the County's Official Zoning Map to rezone all areas zoned Mineral Conservation (MC) to one of the three following zones, consistent with the underlying designation in the comprehensive plan future land use map: Agriculture-10 Acre (A-10), Forestry (F), or Rural 5-Acre (R-5).

Section 52. Directs the code revisor to update SCC 30.10.060 pursuant to SCC 1.02.020(3).

Section 53. Provides a standard severability and savings clause.

State Environmental Policy Act. State Environmental Policy Act (SEPA) requirements with respect to this non-project action have been satisfied through issuance of Determination of Nonsignificance (DNS) on August 30, 2021. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 388-3700 or by e-mailing [contact.council@snoco.org](mailto:contact.council@snoco.org).

Website Access: The ordinance can also be accessed through the County Council website at <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

DATED this 13th day of October, 2021.  
SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington  
/s/ Debbie Eco, CMC  
Clerk of the Council

107010  
Published: October 20, 2021 EDH940675

# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH940678 GMA ACTION 21-060 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/20/2021 and ending on 10/20/2021 and that said newspaper was regularly distributed to its subscribers during all of said period.

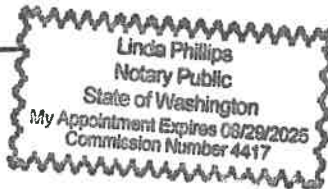
SNOHOMISH COUNTY COUNCIL  
RECEIVED \_\_\_\_\_ TIME \_\_\_\_\_

OCT 25 2021

CC'D TO	CF _____	GOT _____
JLM _____	DIST 1 _____	DLE _____
JDG _____	DIST 2 _____	ALC _____
YSW _____	DIST 3 _____	ELL _____
HCB _____	DIST 4 _____	CMF _____
NAC _____	DIST 5 _____	

The amount of the fee for such publication is \$35.64.

[Signature]



Subscribed and sworn before me on this 20<sup>th</sup> day of October 2021.

[Signature: Linda Phillips]

Notary Public in and for the State of Washington.

SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON  
NOTICE OF ACTION

NOTICE IS HEREBY GIVEN under the Growth Management Act, RCW 36.70A.290 that the Snohomish County Council took the action described in (1) below on October 6, 2021.

1. Description of agency action: Approval of Amended Ordinance No. 21-060.
2. Description of proposal: RELATING TO GROWTH MANAGEMENT, REPEALING CHAPTER 30.31D OF THE SNOHOMISH COUNTY CODE, AMENDING THE SNOHOMISH COUNTY COMPREHENSIVE PLAN, OFFICIAL ZONING MAP, AND CHAPTERS 30.21, 30.22, 30.23, 30.25, 30.26, 30.32C, 30.41C, 30.65, 30.66B, 30.67, 30.91A, 30.91D, AND 30.91E OF THE SNOHOMISH COUNTY CODE TO REVISE MINERAL RESOURCE LAND POLICIES AND DEVELOPMENT REGULATIONS
3. Documentation is available electronically upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-800-562-4367 x3494, TDD 1-800-877-8339 or e-mailing to [Contact.Council@snoco.org](mailto:Contact.Council@snoco.org).
4. Name of agency giving notice: Snohomish County Council
5. This notice is filed by: Debbie Eco  
Clerk of the Council

Date: October 13, 2021  
107010

Published: October 20, 2021.

EDH940678