



Snohomish County

**PLANNING COMMISSION
PLANNING & DEVELOPMENT SERVICES**

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: megan.moore@snoco.org

**REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission**

**May 25, 2021
5:30 PM**

Join the Zoom Meeting: <https://zoom.us/j/91774106168>
or call (253) 215-8782
Meeting ID: 917 7410 6168

For access to supporting documents reviewed by the Planning Commission, visit our website at <http://www.snohomishcountywa.gov> and enter "Planning Commission" in the search box.

A. CALL TO ORDER, ROLL CALL, AND AGENDA REVIEW

B. APPROVAL OF MINUTES

- [April 27, 2021](#): Regular Meeting

C. STATUS OF PAST RECOMMENDATIONS AND FUTURE AGENDA ITEMS

- [Report on Recent Snohomish County Planning Commission Activities](#)
- [Upcoming Planning Commission Meeting Topics](#)

D. UNFINISHED BUSINESS

1. Historic & Archaeology Resources: Deliberation

Amber Piona, PDS Planner, 425-262-2375, amber.piona@snoco.org
Gretchen Kaehler, DCNR County Archeologist, 425-388-343, gretchen.kaeler@snoco.org

The proposed code amendments to chapter 30.32D SCC address archaeological resources. The purpose of the proposed amendments is to revise land use regulations associated with archaeological resources to reflect current law, clarify terminology, and increase the protection of archaeological resources in unincorporated Snohomish County.

For further information, please review the following:

- [Hearing Memo dated May 7, 2021](#)
- [Hearing Memo dated April 9, 2021](#)
- [Briefing Staff Report dated March 5, 2021](#)



Snohomish County

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E. NEW BUSINESS

1. County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions: Briefing

Mitchell Brouse, PDS Senior Planner, 425-388-5127, mitchell.brouse@snoco.org

Staff will brief the Planning Commission on a County Council referred proposal to amend the portions of the Snohomish County Growth Management Act (GMA) Comprehensive Plan General Policy Plan (GPP) and Snohomish County Code (SCC) Title 30 related to the designation and exhaustion of mineral lands. The proposal was referred by Motion No. 21-124 and includes: (1) amendments to the GPP related to the transition of mine sites to post extractive uses; (2) amendments to the Mineral Resource Lands Map (Map 2); (3) amendments to SCC related to mineral lands and the exhaustion of mining operations; and (4) site specific rezones.

For further information, please review the following:

- [Briefing Staff Report dated May 7, 2021](#)

2. County-initiated Comprehensive Plan Amendments: Briefing

Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org

The Planning Commission will be briefed on the annual consideration of county-initiated amendments to the GMA comprehensive plan according to the requirements of Chapter 30.73 SCC. Staff is requesting a public hearing be tentatively scheduled for June 22, 2021, for this year's package of proposed amendments that consist of:

GPP21-3 – Technical Corrections

The 2021 Technical Corrections consist of amendments to maps 1, 2, 4, and 5 of the General Policy Plan (GPP) to recognize properties that are no longer under county jurisdiction due to municipal annexations.

For further information, please review the following:

- [Briefing Staff Report dated May 7, 2021](#)

3. Docket XX: Briefing

Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org
Terri Strandberg, PDS Principal Planner, 425-262-2359, terri.strandberg@snoco.org

The Planning Commission will be briefed on Final Docket XX which consists of four docket proposals to amend the Snohomish County Growth Management Act Comprehensive Plan (GMACP) and implementing zoning according to the requirements of Chapter 30.74 SCC:



Snohomish County

PLANNING COMMISSION

PLANNING & DEVELOPMENT SERVICES

1. Olympic View Water and Sewer District (CFP1) – Amend the Capital Facilities Plan of the GMACP to identify Olympic View as the sewer provider to the Point Wells site and approve a 2019 amendment to Olympic View's 2007 comprehensive sewer plan to include the Point Wells site.
2. Edward Tokarz (SW5) – Amend the Future Land Use (FLU) map of the General Policy Plan (GPP) to redesignate .72 acres in the Southwest Urban Growth Area (SWUGA) from Urban Medium Density Residential (UMDR) to Urban High Density Residential (UHDR) and rezone from R-8,400 to Multiple Residential (MR).
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 - a. (Option 1) Redesignate 19.96 acres in the SWUGA from Urban Low Density Residential (ULDR) to UHDR and rezone from R-7,200 to MR; or
 - b. (Option 2) Redesignate 19.96 acres in the SWUGA from ULDR to UMDR and rezone from R-7,200 to Low Density Multiple Residential (LDMR).
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For further information, please review the following:

- [Olympic View Water and Sewer District Briefing Staff Report dated May 7, 2021](#)
- [Edward Tokarz Briefing Staff Report dated May 7, 2021](#)
- [Tom Winde et al. Briefing Staff Report dated May 7, 2021](#)
- [Marv Thomas Briefing Staff Report dated May 7, 2021](#)

F. ADJOURN



Snohomish County
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PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

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WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

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AMERICANS WITH DISABILITIES ACT NOTICE:

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Snohomish County Planning Commissioners:

Merle Ash, District 1	Vacant, District 4
Mark James, District 1	Neil Pedersen, District 4
Tom Norcott, District 2	James Kamp, District 5
Raymond Sheldon, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore, Executive Appointee
Vacant, District 3	

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary	Megan Moore, Commission Clerk
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Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Lia Toupin 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 2576998 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 05/15/2021 and ending on 05/15/2021 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$313.95.

Lia Toupin

Subscribed and sworn before me on this

27th day of, *May*

2021
Linda Phillips

Notary Public in and for the State of Washington.



Account Name Snohomish County Planning Acct. 14107010
REQUESTED BY Megan Moore
PO/Notice Description SCPC Agenda May 2021

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Commission Staff (from Planning and Development Services (PDS) Department):	
Mike McCrary, Commission Secretary	Megan Moore, Commission Clerk



Snohomish County

Planning and Development Services

3000 Rockefeller Ave., M/S 604
Everett, WA 98201-4046
(425) 388-3311
www.snoco.org

MEMORANDUM

TO: Snohomish County Planning Commission

Dave Somers
County Executive

FROM: Mitchell Brouse, Senior Planner
Planning and Development Services

SUBJECT: County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions

DATE: May 7, 2021

INTRODUCTION

The purpose of this staff report is to provide information to the Planning Commission about a County Council referred proposal to amend the portions of the Snohomish County Growth Management Act (GMA) Comprehensive Plan General Policy Plan (GPP) related to the exhaustion of mining operations on mineral lands. Mineral lands include Mineral Resource Lands and the Mineral Conservation (MC) zone, as identified on the GPP's Future Land Use Map (FLUM) and the county's zoning maps. Also included as a part of this referred proposal are associated amendments to Title 30 of the Snohomish County Code (SCC), and site-specific rezones that will implement the proposed policy amendments.

BACKGROUND

County Council Referrals to the Planning Commission

SCC 30.73.040(3) provides provisions for the County Council to refer proposed legislation to the Planning Commission. That section requires that the Planning Commission, as an advisory body to the Snohomish County Council, hold a public hearing within 90 days of referral, unless the Council specifies a different schedule.

On March 31, 2021, the County Council approved Motion No. 21-124, referring proposed amendments to Title 30 SCC and the GPP related to the designation and exhaustion of mineral lands in Snohomish County.

Mineral Resource Lands and Mineral Conservation Zone

In accordance with Revised Code of Washington (RCW) 36.70A.050 and 26.70A.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 a mineral resource overlay (MRO) denoted on the [Mineral Resource Lands Map \(Map 2\)](#), the [FLUM \(Map 1\)](#), and the official zoning map.

All designated mineral resource lands in the county are:

- Under the jurisdiction of the county;
- Not identified for intensive urban development;
- Located in predominantly undeveloped, low density rural, or forest areas; and
- Meet certain criteria for volume, quality, and extractability.

Designation as a mineral resource land of commercial significance does not mean that the land will automatically become an active mine or quarry. However, it does mean that mineral resources are present, planning level environmental review has been completed, and that the site is eligible to apply for the permits necessary for mineral extraction and processing. Prior to any processing or extraction activities occur on site, permits must be obtained from the county and state, and environmental review must be conducted.

Under SCC 30.32C.150, residential subdivision is prohibited in the R-5 zone in areas that also have the MRO. Further, applications for subdivision in other zones partially overlapped by, or adjacent to, the MRO shall retain the maximum amount of land for potential mineral resource use and comply with all other requirements per SCC 30.32C.150(2).

Historically, the Mineral Conservation (MC) zone was used to regulate mining activities. In 2005, the MRO was implemented as a part of the GMA Comprehensive Plan GPP update. Both designations allow excavation of mineral resources, while discouraging most other uses and development. The county's plans and regulations establish a somewhat higher level of protection from conversion to non-mining uses or development for designated MRO than they do for MC-zoned lands. Per SCC 30.32C.150, subdivision is prohibited on a parcel or portion of a parcel that is located within the MRO. Further, subdivision of lands that are adjacent to an MRO is restricted.

The designations cover the following land areas in Snohomish County:

- Lands with the Mineral Resource Overlay only: ~127,800 acres
- Lands with the Mineral Conservation zone only: ~430 acres
- Lands with the Mineral Resource Overlay and the Mineral Conservation zone: ~2,300 acres

Transition to Post-Extractive Uses

The GMA requires that localities prioritize the protection of natural resource lands from incompatible uses to preserve the long-term vitality of the resource industries that rely on those lands (WAC 365-196-815). Provisions are included in the WAC and the County's Comprehensive Plan for the transition to post-extractive uses, recognizing that extraction activities eventually lead to depletion of the resources. Even though reclamation does not occur until mining activities have been completed, state law requires a reclamation plan consistent with state standards is submitted and approved by the Washington State Department of Natural Resources (DNR) prior to beginning extraction activities. As a part of that

approval, the DNR issues reclamation permits allowing mining activities to begin (County issued permits are also required prior to extraction activities).

Provisions within state law for the transition to post-extractive uses are broken into two code sections, one for mineral resource lands (WAC 365-190-070) and a second for natural resource lands (WAC 365-196-480).

Those provisions from state law read as follows:

WAC 365-190-070(4)(d): In designating mineral resource lands, counties and cities must also consider that mining may be a temporary use at any given mine, depending on the amount of minerals available and the consumption rate, and that other land uses can occur on the mine site after mining is completed, subject to approval.

WAC 365-196-480(1)(e): Mineral lands may be designated as mineral resource lands within urban growth areas. There may be subsequent reuse of mineral resource lands when the minerals have been mined out. In cases where designated mineral resource lands are likely to be mined out and closed to further mining within the planning period, the surface mine reclamation plan and permit from the department of natural resources division of geology should be reviewed to ensure it is consistent with the adopted comprehensive land use plan.

The following GPP Land Use Policy provides guidance for mine reclamation:

Snohomish County Comprehensive Plan policy LU-9.F.3: The county shall pursue innovative reclamation plans in concert with private landowners for the final conversion of exhausted mineral resource lands into desirable uses (park land, open space, forest land, community lakes, etc.). Such reclamation plans will be considered as favorable mitigations of the mining activity during the county's SEPA review process.

The County's existing policies require a Comprehensive Plan amendment to remove the MRO prior to transitioning a mine or quarry from its active mining state to a post-extractive development or use. Until the overlay has been removed, most development applications cannot be accepted by the county.

Comprehensive plan policy LU-9.A.13 (below) prevents the county from removing the overlay until the DNR has cancelled the reclamation permit. Cancelling a reclamation permit is terminology used by the Department of Natural Resources with an equivalent meaning to "certified as restored" as used in policy LU-9.A.13. Once the reclamation permit is canceled the mineral resources on site have been depleted and all grading and reclamation activities have been completed consistent with the reclamation permit issued by the DNR.

Snohomish County Comprehensive Plan policy LU-9.A.13: The county shall remove, by amendment of the comprehensive plan, the mineral resource land designation of any mineral site certified as restored by the Washington Department of Natural Resources. If the mineral site lies 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.

The following steps illustrate the sequence of events as a mine site moves from initial permitting to post-extractive development or use:

1. The Department of Natural Resources issues a reclamation permit and the County issues required permits, typically a conditional use permit (CUP) or administrative conditional use permit (ACUP), permitting mining to begin
2. Active mining
3. Mineral resources approach depletion
4. Mineral resources are depleted and mining ceases
5. The miner reclaims and grades the site pursuant to the reclamation plan (per SCC 30.63B.170 a land disturbing activity permit (LDA) is required for this reclamation process)
6. The Department of Natural Resources cancels the reclamation permit and the County vacates the CUP or ACUP
7. The site is vacated from mining and reclamation activities
8. The landowner applies to the county for removal of the MRO
9. The county approves the removal of the MRO
10. The landowner applies to the county for development permits
11. Once all necessary land use and land disturbing activity permits are issued by the county, the site is graded for development by the landowner
12. Construction on the post-extractive development begins after County issuance of required building permits

This process creates administrative delay between steps 5 and 7 and may require that the site is graded on two separate occasions, at steps 5 and 11.

PROPOSAL OBJECTIVES

The amendments proposed to the Snohomish County GPP and Title 30 SCC are intended to amend the sequence of activities for the lifetime of a mine to remove the administrative delay identified above. This amendment would allow the county and mine to enter into a development agreement addressing post-extraction uses, prior to completion of mining and reclamation activities. In cases where a development agreement is reached, the process would be amended to the sequence below, which reduces the administrative delay identified above, and could eliminate the need to grade the site on two occasions:

1. The Department of Natural Resources issues a reclamation permit and the County issues required permits, permitting mining to begin
2. Active mining
3. Mineral resources approach depletion (a definition for “approaching depletion” is proposed to be added to SCC as a part of this proposal)
4. Landowner negotiate development agreement with the county addressing transition to post-extractive development
5. Mineral resources are depleted and mining ceases
6. The miner reclaims and grades the site pursuant to the reclamation plan and pursuant to the development plan defined in the development agreement
7. The Department of Natural Resources cancels the reclamation permit and the County vacates the CUP or ACUP

8. The landowner applies to the county for removal of the MRO
9. The county approves the removal of the MRO
10. After issuance of all County required development and construction permits, construction begins on the post-extractive development

In order to achieve this proposed process, amendments to the policies within the GPP and to Title 30 SCC will need to be approved.

PROPOSED POLICY AMENDMENTS

The proposed amendments to the GPP would add one new policy and amend two existing policies within the Land Use Chapter. The amendments address mines that are transitioning to their post-extractive state, by adding a new policy LU-9.A.14 that allows the county to enter into a development agreement with active mines that are approaching depletion to plan for the transition of the site to its post-extraction state. The amendments will also provide a policy basis for the changes to SCC that are proposed and outlined in this staff report. The proposed policy amendments read as follows:

LU Policy 9.A.13: ~~The county shall remove ((, by amendment of the comprehensive plan,)) the mineral resource land designation of mineral sites for which reclamation permits have been cancelled by ((any mineral site certified as restored by)) the Washington Department of Natural Resources and that no longer meet mineral resource land designation criteria. If the mineral site lies 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.~~

LU Policy 9.A.14: For active mineral sites that are approaching depletion of commercially-significant mineral resources and that will no longer meet mineral resource land designation criteria at the completion of mining, the county should work proactively to provide for an orderly and efficient transition from active mining into post-extraction uses. The county may enter into development agreements to comprehensively plan for this transition, subject to the following:

- a. Development agreements shall prohibit final subdivision or issuance of building permits until commercially-significant mineral resources are depleted on the site and the Washington State Department of Natural Resources has cancelled all reclamation permits on the site.
- b. Where lands adjacent or nearby the site addressed by the development agreement are designated mineral resource land, provisions of the development agreement shall be compatible with future mineral extraction activities on the adjacent or nearby lands.

LU Policy 9.B.2: The county shall prohibit residential subdivision where the MRO coincides with a 5-acre rural residential designation, although development agreements may provide for a transition to post-extractive uses under LU Policy 9.A.14. Where the

MRO covers only a portion of a rural 5-acre designated parcel, the parcel may be subdivided provided that:

- a. minimum lot size requirements can be met according to underlying zoning;
- b. rural cluster subdivision is used; and
- c. the portion of the property having the MRO overlay shall be preserved for future mineral resource use by adequate buffers, setbacks and open space.

Additionally, this proposal includes amendments to Map 2 – Mineral Resource Lands – and the FLUM to affix the MRO to all lands that currently have or have had in the past MC zoning and meet the criteria identified above for mineral resource lands. Affixing the MRO to these parcels will ensure that these areas are protected as mineral resource lands and that mining activities are allowed.

PROPOSED CODE AMENDMENTS

Accompanying the proposed Comprehensive Plan policy amendments are amendments to code provisions that are intended to implement the updated policies. The following is an overview of the proposed amendments. Attachment A includes full text of all amendments to Snohomish County Code that are included in this proposal:

- Add a new section to Chapter 30.32C SCC, that implements the new GPP policy LU-9.A.14 by permitting the use of a development agreement, under chapter 30.75 SCC, to address the transition to post-extractive uses. The proposed section reads as follows:

SCC 30.32C.250 Transition to Post-Extractive Land Uses

(1) Sites with an active Conditional Use Permit or Administrative Conditional Use Permit issued pursuant to this chapter that are approaching depletion of all commercially significant mineral resources on the site may enter into a development agreement under chapter 30.75 SCC to address reclamation and transition into post-extractive uses.

(2) Development agreements under subsection (1) may allow grading, utility installation, landscaping, and other necessary components of the development not inconsistent with ongoing mining to occur upon approval but will prohibit final subdivision approval and issuance of any building permit not directly related to mining operations until the completion of surface mining as defined by RCW 78.44.031(2) on the site.

- Affix the MRO to all parcels that currently have, or previously had, MC zoning.
- Rezone 87 parcels located in the MC zone to the implementing zone as identified based on the future land use designation shown on the Future Land Use Map. The parcels currently zoned MC have future land use designations of Commercial Forest (CF), Forest Transition Area (CF-FTA), Low Density Rural Residential (LDRR-20), Riverway Commercial Farmland (RCF), Local Commercial Farmland (LCF), or Rural Residential-5 (RR-5). The implementing zones for those 6 land use categories are Agricultural 10 acre (A-10), Forestry (F), and Rural 5 acre (R-5). See Attachment B for

the Comprehensive Plan’s narrative for each future land use designation, including the identified implementing zone.

- Repeal the MC zone, by repealing Chapter 30.31D SCC in its entirety, relocating all applicable standards to Chapter 30.32C SCC, deleting all standards specific to the MC zone, and correcting other references as necessary.
- Correct references throughout SCC Title 30. Numerous sections include references to Chapters 30.31D and 30.32C SCC or the MC zone, these changes will ensure the correct reference is maintained.
- Amend Chapters 30.91A and 91D SCC, adding the following new definitions for “depletion” and “approaching depletion”.

30.91A.241 Approaching depletion.

“Approaching depletion” means the point when, at current extraction rates, the material being extracted will reach depletion within five years.

This definition applies only to “Mineral Resource Lands” regulations in chapter 30.32C SCC.

30.91D.145 Depletion.

“Depletion” means that all mineral resources that are commercially significant for extraction have been extracted. A mineral site may not be considered depleted if it meets criteria for mineral resource overlay designation under the comprehensive plan and under RCW 36.70A.050.

This definition applies only to “Mineral Resource Lands” regulations in chapter 30.32C SCC.

EVALUATION OF PROPOSED AMENDMENTS

The following evaluation criteria are taken from SCC 30.74.060(2), which are applicable to comprehensive plan amendment proposals submitted by individuals during the docket process, as guidance to determine how this county-initiated proposal is consistent with relevant state, regional, and county goals, objectives, policies, and other planning and code elements. Although county-initiated comprehensive plan amendments are not required to be evaluated according to these specified criteria in chapter 30.74 SCC, this analysis can be instructive.

Criterion “a”: The proposed amendment and any related proposals on the current final docket maintain consistency with other plan elements or development regulations.

Yes. The proposed amendments are consistent with other plan elements and development regulations. The amendment supports comprehensive plan elements related to the protection of mineral resource lands (Goal LU-9, shown under Criterion “c” below) and planning for the transition of depleted mining sites to their post-extractive land use (Objective LU-9.F, shown under Criterion “c” below). Additionally, the Economic element of the comprehensive plan is supported by potentially reducing the administrative time associated with permitting and zoning amendments necessary to transition mines to their post-extractive state (Objective ED-2.A and underlying policies, shown under Criterion “c” below). Finally, the Natural Environment element is addressed by maintaining all existing environmental standards and reclamation requirements for mineral extraction.

Criterion “b”: All applicable elements of the comprehensive plan, including but not limited to the capital plan and the transportation element, support the proposed amendment.

Yes. All applicable elements of the comprehensive plan support or are consistent with the proposed amendments. In particular, the land use element and the economic element support the proposed amendments (see details under Criterion “c” below). As proposed, the amendments will facilitate a more efficient transition from active mining to post-extractive uses, while maintaining all restrictions protecting the county’s supply of mineral resources.

Criterion “c”: The proposed amendment more closely meets the goals, objectives and policies of the comprehensive plan than the relevant existing plan or code provision.

Yes. The proposed amendments more closely meet the following goals, objectives, and policies in the county’s comprehensive plan:

***Goal LU-9:** “Conserve mineral resource lands for mineral extraction, minimize the detrimental effects of mineral extraction on the environment and other land uses, and plan for the eventual post-extractive use of mine sites.”*

The proposed amendments are consistent with Land Use Goal 9, by maintaining protections on all lands identified as mineral resource lands. The proposed amendments ensure that after repeal of the MC zone, the MRO is applied to all lands that currently or previously had MC zoning. Additionally, this change will ensure consistent protection for mineral resource lands and standards for the transition of mining sites to post-extractive uses. Further, the amendments will aid efforts to plan for post-extractive uses using development agreements, while preventing any subdivision until on site mineral resources are depleted and the DNR has cancelled the reclamation permit.

***Policy LU-9.B.2:** “The county shall prohibit residential subdivision where the MRO coincides with a 5-acre rural residential designation. Where the MRO covers only a portion of a rural 5-acre designated parcel, the parcel may be subdivided provided that:*

- a. minimum lot size requirements can be met according to underlying zoning;*
- b. rural cluster subdivision is used; and*
- c. the portion of the property having the MRO overlay shall be preserved for future mineral resource use by adequate buffers, setbacks and open space.”*

***Policy LU-9.B.3:** “Any subdivision of mineral resource land outside of 5-acre rural designations (e.g. 1 du/10 acres, 1 du/20 acres, or local forest) shall utilize site planning and design opportunities, including rural cluster subdivisions, to retain the maximum amount of land for potential mineral resource use. Open space provisions will preserve the option for future mineral resource extraction.”*

The proposed amendments are consistent with policies LU-9.B.2 and 3 as they currently exist and as they are proposed to be amended, by maintaining existing restrictions on the subdivision of lands that are fully or partially covered by the MRO and maintaining the requirement that the county cannot remove the MRO until the DNR has cancelled the reclamation permit.

***Objective LU-9.F:** “Ensure that mining site approval does not preclude or inhibit the planned post-extractive use of the mine site or the planned future use of adjacent lands.”*

Policy LU-9.F.1: *“Post-extractive uses should be identified, at the time of permitting, for mineral resource lands that are consistent with adjacent and nearby comprehensive plan designations. Where adjacent or nearby lands are designated mineral resource land, the post-extractive use of the permitted site should be compatible with future mineral extraction activities on the adjacent or nearby lands.”*

Policy LU-9.F.3: *“The county shall pursue innovative reclamation plans in concert with private landowners for the final conversion of exhausted mineral resource lands into desirable uses (park land, open space, forest land, community lakes, etc.). Such reclamation plans will be considered as favorable mitigations of the mining activity during the county’s SEPA review process.”*

The proposed amendments are consistent with and further objective LU-9.F and policies LU-9.F.1 and 3. First, the proposal will affix the MRO to all areas that currently or previously contained the MC zoning, ensuring that mineral resource lands are protected. Further, it will rezone parcels currently zoned MC to the implementing zone identified on the Future Land Use Map and within Attachment B, providing for the post-extractive use on each property. Finally, the amendments will allow the use of a development agreement prior to depletion of the mineral resources, to plan for and facilitate a more efficient transition through the reclamation process to the planned post-extractive use.

Objective ED-2.A: *“Develop and maintain a regulatory system that is fair, understandable, coordinated and timely.”*

Policy ED-2A.1: *“Snohomish County shall work to ensure that the Snohomish County Code is an understandable, accessible, and user-friendly document.”*

Policy ED-2.A.2: *“Snohomish County should stress predictability but maintain enough flexibility in the Comprehensive Plan and development codes to allow for timely response to unanticipated and desirable developments.”*

Policy ED-2.A.3: *“To ensure timeliness, responsiveness, and increased efficiency, the county shall develop and maintain a program of periodic review of the permitting process to eliminate unnecessary administrative procedures that do not respond to legal requirements for public review and citizen input.”*

The proposed amendments are consistent with and more closely meet objective ED-2.A and policies ED-2.A.1, 2, and 3 by allowing the county to enter into a development agreement to facilitate a more efficient transition from active mining to post-extractive uses. The use of a development agreement could work to reduce administrative delay in the transition between uses.

Criterion “d”: **The proposed amendment is consistent with the countywide planning policies (CPP).**

Yes. The proposed amendments are consistent with the following CPPs:

CPP-DP-23: *The County shall establish low intensities of development and uses in areas outside of Urban Growth Areas to preserve resource lands and protect rural areas from sprawling development.*

CPP-ED-9: *As appropriate, the County and cities should adopt plans, policies, and regulations that preserve designated industrial, commercial, agricultural, and resource land base for long-term regional economic benefit.*

Criterion “e”: The proposed amendment complies with the GMA.

Yes. The proposed amendments seek to balance the following GMA Goals related to maintaining natural resource-based industries (RCW 36.70A.020(8)) and timely and predictable permit processing (RCW 36.70A.020(7)). This balance is facilitating a more efficient transition of mineral sites to post-extractive uses, while maintaining protections on mineral resource lands still in use in the county.

GMA Goal 7 – Permits. *“Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”*

GMA Goal 8 – Natural resource industries. *“Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.”*

Criterion “f”: New information is available that was not considered at the time the relevant comprehensive plan or development regulation was adopted that changes the underlying assumptions and supports the proposed amendment.

Yes. As described above, inefficiencies have been identified in the process required to transition mines from an active mining state to the post-extractive uses that are consistent with the implementing zones allowed by the FLUM. This proposal provides an alternate method to improve the efficiency of this process.

The following table summarizes the results of the PDS evaluation:

Consistent with SCC 30.74.060(2)					
(a)	(b)	(c)	(d)	(e)	(f)
Yes	Yes	Yes	Yes	Yes	Yes

CONSISTENCY WITH THE MULTICOUNTY PLANNING POLICIES (MPPS)

The proposed amendments are consistent with the following multicounty planning policies related to the protection of resource lands from the Puget Sound Regional Council VISION 2050:

MPP-DP-42: *“Support the sustainability of designated resource lands. Do not convert these lands to other uses.”*

MPP-DP-43: *“Ensure that resource lands and their related economic activities are not adversely impacted by development on adjacent non-resource lands.”*

The proposal will ensure that all mineral lands are assigned the MRO, which will ensure consistent protection of mineral resources.

STATE ENVIRONMENTAL POLICY ACT (SEPA) ACTION

All SEPA requirements with respect to this non-project action will be satisfied through the issuance of a SEPA Checklist prior to the planning commission’s public hearing on the proposal.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a 60-day notice of intent to adopt the proposed GMACP and SCC amendments will be transmitted to the Washington State Department of Commerce for distribution to state agencies.

PLANNING AND DEVELOPMENT SERVICES RECOMMENDATION

Staff recommends holding a public hearing on this County Council referred proposal on June 22, 2021. Staff will provide a recommendation at the May 25, 2021 briefing.

Cc:

Ken Klein, Executive Director, Snohomish County Executive's Office
Mike McCrary, Director, Planning and Development Services
David Killingstad, Manager, Planning and Development Services
Geoffrey Thomas, Chief of Staff, Snohomish County Council

Enclosed:

Attachment A: Summary of Proposed Code Amendments
Attachment B: Comprehensive Plan Descriptions of Applicable Future Land Use Designations

**ATTACHMENT A
Summary of Proposed Code Amendments**

The following table outlines the specific changes to Snohomish County Code that are included in this proposal. Code changes are shown in numerical order.

Proposed Code Change	Description												
Amendments to Chapter 30.21 SCC – Purpose and Establishment of Zones													
<p>30.21.020 Establishment of Zones Snohomish County’s use zones are established and categorized pursuant to SCC Table 30.21.020</p> <p>...</p> <p align="center">Table 30.21.020 Snohomish County Zones by Category</p> <table border="1" data-bbox="117 537 879 662"> <thead> <tr> <th>ZONE CATEGORY</th> <th colspan="2">ZONES</th> </tr> </thead> <tbody> <tr> <td rowspan="4">RESOURCE</td> <td>Forestry</td> <td>F</td> </tr> <tr> <td>Forestry and Recreation</td> <td>F&R</td> </tr> <tr> <td>Agriculture-10 Acre</td> <td>A-10</td> </tr> <tr> <td>((Mineral Conservation))</td> <td>((MC))</td> </tr> </tbody> </table> <p>...</p>	ZONE CATEGORY	ZONES		RESOURCE	Forestry	F	Forestry and Recreation	F&R	Agriculture-10 Acre	A-10	((Mineral Conservation))	((MC))	<p>Delete references to the MC-Mineral Conservation zone.</p>
ZONE CATEGORY	ZONES												
RESOURCE	Forestry	F											
	Forestry and Recreation	F&R											
	Agriculture-10 Acre	A-10											
	((Mineral Conservation))	((MC))											
<p>30.21.025 Intent of Zones This section describes the intent of each use zone. Snohomish County’s use zones are categorized and implemented consistent with the comprehensive plan. The comprehensive plan establishes guidelines to determine compatibility and location of use zones. The intent of each zone is established pursuant to SCC Table 30.21.020 and is set forth below in SCC 30.21.025(1) through (4).</p> <p>...</p> <p>(3) <i>Resource Zones.</i> The Resource zones category consists of zoning classifications that conserve and protect lands useful for agriculture, forestry, or mineral extraction or lands which have long-term commercial significance for these uses. Resource zones consist of the following:</p> <p>...</p> <p>((d) Mineral Conservation (MC). The intent and function of the Mineral Conservation zone is to comprehensively regulate excavations within Snohomish County. The zone is designed to accomplish the following:</p> <ul style="list-style-type: none"> (i) preserve certain areas of the county which contain minerals of commercial quality and quantity for mineral conservation purposes and to prevent incompatible land use development prior to the extraction of such minerals and materials and to prevent loss forever of such natural resources; (ii) preserve the goals and objectives of the comprehensive plan by setting certain guidelines and standards for location of zones and under temporary, small-scale conditions to permit other locations by conditional use permit; (iii) permit the necessary processing and conversion of such material and minerals to marketable products; (iv) provide for protection of the surrounding neighborhood, ecological and aesthetic values, by enforcing controls for buffering and for manner and method of operation; and (v) preserve the ultimate suitability of the land from which natural deposits are extracted for rezones and land usages consistent with the goals and objectives of the comprehensive plan.)) 	<p>Delete references to the MC-Mineral Conservation zone.</p>												

Proposed Code Change											Description
Amendments to Chapter 30.22 SCC – Uses Allowed in Zones											
30.22.110 Rural and Resource Zone Categories Use Matrix.											
TYPE OF USE	Rural Zones						Resource Zones				
	RD	RRT-10	R-5	RB ²⁶	CRC	RFS	RI	F	F&R	A-10	((MC))
Accessory Apartment ⁶²	A	A	A	A				A	A	A	((A))
Agriculture ⁴¹	P	P	P	P	P	P	P	P	P	P	((P))
Asphalt Batch Plant& Continuous Mix Asphalt Plant											((P))
Caretaker's Quarters	P		C	P			P				((P))
Dwelling, Mobile Home	P	P	P		p ⁶			P	P	P	((P))
Dwelling, Single Family	P	P	P		P			P	P	P	((P))
Excavation & Processing of Minerals ²⁸	A, C	A, C	A, C				A, C	A, P, C	A, C	<u>A, C</u>	((A, C))
*only affected rows are included in the matrix above.											
30.22.130 Reference notes for use matrices.											
...											
(28) <i>Excavation and Processing of Minerals.</i>											
(a) This use, as described in SCC ((30.31D)) <u>30.32C.010(2)</u> , is allowed in the identified zones only where these zones coincide with the mineral lands designation in the comprehensive plan (mineral resource overlay or MRO)((-except for the MC zone where mineral lands designation is not required)).											
(b) An Administrative Conditional Use Permit or a Conditional Use Permit is required pursuant to SCC ((30.31D)) <u>30.32C.030</u> .											
(c) Excavation and processing of minerals exclusively in conjunction with forest practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry zone.											
...											
Amendments to Chapter 30.23 SCC – General Development Standards – Bulk Regulations											

These changes would remove the MC zone from the use table and amend the A-10 zone to allow Excavation & Processing of Minerals as an Administrative Conditional Use (A) and a Conditional Use.

Update code references to reflect repeal of Chapter 30.31D SCC and amendments to Chapter 30.32C SCC. Delete references to the MC-Mineral Conservation zone.

Proposed Code Change											Description																																																																						
<p>SCC 30.23.030 Rural, Resource, Urban (Non-Residential) and other zone categories - Bulk matrix.</p> <table border="1"> <thead> <tr> <th rowspan="3">C a t e g o r y</th> <th rowspan="3">Zone</th> <th rowspan="3">Max. Bldg. Height (ft)^{27, 64}</th> <th colspan="3">Lot Dimension (ft)⁵⁴</th> <th colspan="5">Setback Requirements From: (ft)^{11, 31}</th> <th rowspan="3">Max. Lot Coverage⁸</th> </tr> <tr> <th rowspan="2">Min. Lot Area^{22, 29, 32}</th> <th rowspan="2">Min. Lot Width</th> <th rowspan="2">Min. Corner Lot Width</th> <th rowspan="2">Commercial and Industrial Zones</th> <th rowspan="2">Residential, Multifamily, and Rural Zones³³</th> <th colspan="2">Resource Lands³³</th> <th rowspan="2">Water Bodies¹²</th> </tr> <tr> <th>Ag²⁰</th> <th>Forest²¹</th> </tr> </thead> <tbody> <tr> <td>R e s o u r c e</td> <td>((MC³⁴))</td> <td></td> <td>((10 ac²²))</td> <td></td> <td></td> <td></td> <td>((100))</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>F³⁸</td> <td>45⁶</td> <td></td> <td>20 ac³</td> <td>300</td> <td>300</td> <td>100¹³</td> <td>100¹³</td> <td>50</td> <td>100³⁰</td> <td>25¹³</td> <td>35%</td> </tr> <tr> <td>F&R^{38, 39}</td> <td>30⁷</td> <td></td> <td>200,000 sq^{2, 23}</td> <td>100</td> <td>100</td> <td>5</td> <td>5</td> <td>50</td> <td>100³⁰</td> <td>25</td> <td>35%</td> </tr> <tr> <td>A-10^{37, 40}</td> <td>45</td> <td></td> <td>10 ac</td> <td>none</td> <td>none</td> <td>5</td> <td>5</td> <td>50</td> <td>100³⁰</td> <td>25</td> <td>none</td> </tr> </tbody> </table> <p>...</p>											C a t e g o r y	Zone	Max. Bldg. Height (ft) ^{27, 64}	Lot Dimension (ft) ⁵⁴			Setback Requirements From: (ft) ^{11, 31}					Max. Lot Coverage ⁸	Min. Lot Area ^{22, 29, 32}	Min. Lot Width	Min. Corner Lot Width	Commercial and Industrial Zones	Residential, Multifamily, and Rural Zones ³³	Resource Lands ³³		Water Bodies ¹²	Ag ²⁰	Forest ²¹	R e s o u r c e	((MC ³⁴))		((10 ac ²²))				((100))					F ³⁸	45 ⁶		20 ac ³	300	300	100 ¹³	100 ¹³	50	100 ³⁰	25 ¹³	35%	F&R ^{38, 39}	30 ⁷		200,000 sq ^{2, 23}	100	100	5	5	50	100 ³⁰	25	35%	A-10 ^{37, 40}	45		10 ac	none	none	5	5	50	100 ³⁰	25	none	Remove the MC zone from the bulk matrix and add a reference to footnote 32 after "Min. Lot Area".
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<p>30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032</p> <p>...</p> <p>(31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(27). Performance standards and permit requirements are in chapter ((30.31D)) <u>30.32C.SCC</u>.</p> <p>(32) <u>For mineral excavation and processing:</u> The site shall be a contiguous geographic area and have a size of not less than 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is required, pursuant to SCC 30. ((30.31D)) <u>30.32C.020(1)</u>.</p> <p>...</p> <p>(46) Additional setbacks may apply to development within a rural cluster subdivision. Refer to chapter 30.41C SCC. Residential subdivision is restricted pursuant to SCC ((30.32C.150)) <u>30.32C.050</u>. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources.</p> <p>...</p>											Update code references to reflect repeal of Chapter 30.31D SCC and amendments to Chapter 30.32C SCC.																																																																						

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<p>SCC 30.25.027 Excavation and Processing of Minerals.</p> <p>Whenever property developed for excavation is adjacent to developed residential property, public roads, streets or highways, streams, lakes, or other public installations, there shall be installed and maintained or cultivated in addition to any required fence, a view-obscuring planting screen at least 50 feet in width, in a location to be determined by the approval authority. A planting screen shall be shrubs, bushes, or trees which shall be selected to be evergreen, indigenous, fast-growing, compatible with the soil, and on the basis of size, form, and minimum maintenance requirements. The planting screen shall be planted according to acceptable practice in good soil, irrigated as necessary, and maintained in a good condition at all times at the expense of the operator. A required view-obscuring planting screen shall be installed as a yard improvement at or before the time excavation operations commence or within a reasonable time as determined by the approval authority, giving due consideration of local planting conditions. A view-obscuring fence may also be required by the department on the interior edge of the planting screen and if required, shall satisfy the requirement of SCC ((30.31D))30.32C.100(4).</p>											Update code references to reflect repeal of Chapter 30.31D SCC and amendments to Chapter 30.32C SCC.																																																																													
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Amendments to Chapter 30.32C - Mineral Resource Lands																																																																																								

Proposed Code Change	Description
<p>30.32C.010 Purpose and applicability.</p> <p><u>(1) The purpose of this chapter ((30.32C SCC)) is to provide standards for excavation and processing of minerals; implement notice requirements established by the Growth Management Act (GMA) in RCW 36.70A.060(1), and Land Use Policy 9.C.1 of the comprehensive 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 in RCW 36.70A.060(1). The purpose is also to protect adjacent existing and planned land uses from significant conflicts; ensure that mineral excavation, processing and transport are conducted consistent with the public health, safety and general welfare; and provide for the orderly and efficient transition from active mining into post-extraction uses for sites approaching, or at, depletion of commercially significant mineral resources.</u></p> <p><u>(2) Excavation and processing of minerals:</u></p> <p style="padding-left: 40px;"><u>(a) This use shall allow only the primary reduction, treatment, and processing of minerals and materials, together with any necessary accessory buildings.</u></p> <p style="padding-left: 40px;"><u>(b) At least one of the major mineral or material constituents being exploited shall be from the property on which the mineral operations are proposing to locate.</u></p> <p style="padding-left: 40px;"><u>(c) Allowed uses shall include, but not be limited to, extraction, excavation, washing, crushing, stock piling, blasting, transporting, recycling, concrete batching, asphalt mixing, and the manufacturing of terra cotta, tile, brick, and concrete products.</u></p> <p style="padding-left: 40px;"><u>(d) The use shall not be detrimental to the existing, developing, or projected land use.</u></p> <p><u>(3) Excavation and processing of minerals is allowed only on mineral resource lands designated in the comprehensive plan (MRO), or mining claims officially recognized by the state or federal government and recorded with the auditor, with the exception of:</u></p> <p style="padding-left: 40px;"><u>(a) The extraction and processing of rock and gravel exclusively for forest practices shall be permitted in the Forestry (F) zone pursuant to chapter 76.09 RCW.</u></p> <p style="padding-left: 40px;"><u>(b) Existing, legally established non-conforming mineral operations will be allowed to continue subject to the provisions and requirements of chapter 30.28 SCC.</u></p> <p style="padding-left: 40px;"><u>(c) Expansion of existing legally established mineral operations onto adjacent undesignated land where a portion of the existing site has been designated mineral resource land (MRO).</u></p> <p><u>(4) If a parcel contains any portion of designated mineral resource lands it will be considered fully designated for the purpose of determining eligibility to apply for the permits required for excavation and processing of minerals.</u></p>	<p>Add the purpose and applicability language from the repealed SCC 30.31D to purpose and applicability section in Chapter 30.32C SCC.</p>

Proposed Code Change	Description
<p>Add a new Section:</p> <p>30.32C.020 Relationship to comprehensive plan.</p> <p>(1) Sites are eligible for administrative conditional use permit or conditional use permit consideration if they meet the criteria in SCC 30.32C.010(3).</p> <p>(2) Sites may be proposed for Mineral Resource designation (MRO) and shall be considered in accordance with the provisions in chapter 30.74 SCC using the criteria for designation set forth in the General Policy Plan Policies LU 9.A.1 through LU 9.A.13.</p> <p>(3) Designation as Mineral Resource Lands in the General Policy Plan signifies that the use of mineral lands has been anticipated and evaluated at an area-wide level in terms of potential environmental impacts. The Mineral Resource Lands Designation environmental documents, the Draft Supplemental EIS Snohomish County Mineral Lands Designation (November, 2001), Draft Supplemental EIS Addendum Snohomish County Mineral Lands Designation (July, 2002), and the Final Supplemental EIS Snohomish County Mineral Lands Designation (August, 2003), may be relied on when making threshold determinations, preparing site specific environmental documents, identifying mitigation measures in accordance with chapter 30.61 SCC, or developing administrative rules and procedures in accordance with chapter 30.82 SCC.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.020 to Chapter 30.32C by creating a new 30.32C.020.</p>
<p>Add a new Section:</p> <p>30.32C.030 Process for review of mining applications.</p> <p>(1) A conditional use permit, pursuant to chapter 30.42C SCC, or an administrative conditional use permit, pursuant to chapter 30.43A SCC, shall be required for mineral excavation and processing proposals. An administrative conditional use permit process may be used only when the mining proposal meets the following criteria:</p> <ul style="list-style-type: none"> (a) total site disturbance, including all phases of excavation, internal haul roads, and reclamation, comprises 20 acres or less; (b) no processing, crushing, or blasting will occur accessory to mining; (c) the operation will generate less than 50 total vehicle trips per day; and (d) the duration of the operation will be 5 years or less. <p>Where the proposal does not meet (a) through (d) above, it shall require a conditional use permit.</p> <p>(2) All proposals shall be subject to the requirements of the State Environmental Policy Act and shall be reviewed pursuant to chapter 30.61 SCC.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.030 to Chapter 30.32C by creating a new 30.32C.030.</p>

Proposed Code Change	Description
<p>Add a new Section:</p> <p>30.32C.040 Submittal requirements.</p> <p>An application for an administrative conditional use permit or a conditional use permit for mineral excavation shall comply with the requirements set out in the application checklist as provided by the department pursuant to SCC 30.70.030. A pre-application meeting is strongly recommended pursuant to SCC 30.70.020.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.040 to Chapter 30.32C by creating a new 30.32C.040.</p>
<p>Add a new Section:</p> <p>30.32C.050 Provisions for subdivision of designated mineral resource lands and lands adjacent to mineral resource lands.</p> <p>(1) Where the MRO coincides with the R-5 zone, residential subdivision is prohibited on any parcel, or portion of a parcel, located within the MRO, <u>except as provided by a development agreement under SCC 30.32C.250</u>. Where the MRO covers only a portion of a parcel zoned R-5, that portion of the parcel not covered by the MRO may be subdivided subject to the requirements of SCC 30.32C.050(2)</p> <p>(2) Residential subdivision of land partially designated with the MRO, as well as land adjacent to the MRO, shall be allowed on that portion of the land located outside of the MRO provided the owner</p> <ul style="list-style-type: none"> (a) Uses rural cluster subdivision methods consistent with chapter 30.41C SCC; (b) Protects the mineral resource deposit for future resource use by adequate setbacks pursuant to SCC 30.23.110(27); and (c) Includes open space configured to maximize preservation of the mineral resources and provide buffers between the MRO designation and residential uses. The option to utilize such open space for mineral operations shall be preserved as provided in SCC 30.41C.100. 	<p>Relocate this section from 30.32C.150 to 30.32C.050 and add new language (underlined) allowing an exception consistent the new section added as SCC 30.32C.250.</p>
<p>30.32C.100 (Excavation and processing of minerals: regulations and standards) <u>General performance standards.</u></p> <p>((Performance standards, permit procedures and requirements, and decision criteria for excavation and processing of minerals related to designated mineral resource lands and mineral conservation zoning shall be in accordance with chapter 30.31D SCC.))</p> <p><u>In granting an administrative conditional use permit or a conditional use permit for mineral excavations, the following conditions shall apply in all cases, except when more restrictive conditions are imposed by the approval authority:</u></p> <p><u>(1) The operator shall bury or remove all metal, lumber, or other refuse on the site in a method approved by the hearing examiner;</u></p> <p><u>(2) After completion of excavation operations, the operator shall dismantle and remove within three months all equipment introduced to the site in support of the operations, with the exception of equipment necessary for reclamation for excavations not regulated by the state pursuant to chapter 78.44 RCW, which equipment shall not be removed until such reclamation is</u></p>	<p>Delete the existing 30.32C.100 and replace with the general performance standards for mineral excavation from the repealed SCC 30.31D.100.</p>

Proposed Code Change	Description
<p><u>completed to the satisfaction of the state or local authorities. For excavations regulated by the state pursuant to chapter 78.44 RCW, removal of reclamation equipment shall be determined by the applicable reclamation plan. This three-month period shall not be assumed to include time between projects or times when the plan is temporarily inoperative due to economic, weather, or other similar conditions recognized as reasonable by the hearing examiner. Such temporary discontinuance of operations shall not be the cause for removal of equipment;</u></p> <p><u>(3) All excavation operations and trucking directly related to such operations may be permitted only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Saturday, unless the approval authority determines that no nuisance exists, or that unusual and justifying circumstances are present, in which case the relaxation of this regulation shall terminate when such conditions and circumstances are deemed by the hearing examiner to no longer exist;</u></p> <p><u>(4) If property to be developed for excavation has an exterior boundary line which shares a common property line with developed property, or if in the judgment of the approval authority, the nature and location of the operation is such as to constitute a hazard to public safety, then a solid wall or fence at least five feet in height shall be installed and maintained at least 50 feet from the excavated area. All openings in the fence shall be barred by locked gates when the permittee or the permittee’s agent are not on the premises;</u></p> <p><u>(5) The area shall be posted with signs having letters at least three inches high and two inches wide, giving clear warning of the dangerous conditions resulting from the excavation. The signs shall be not more than 50 feet apart around the periphery of the subject property and shall be maintained in good repair until excavation and reclamation operations are completed; and</u></p> <p><u>(6) One copy of approved excavation and reclamation plans and specifications for reclamation of excavations not regulated by the state pursuant to chapter 78.44 RCW shall be kept on the site at all times during the progress of the excavation operation.</u></p> <p><u>(7) In no case shall mineral operations impair lateral support or cause earth movements or erosion to extend beyond the exterior boundary lines of property being excavated.</u></p> <p><u>(8) Impacts resulting from traffic generated by mineral operations shall be addressed pursuant to chapter 30.66B SCC.</u></p>	
<p>Add a new Section:</p> <p>30.32C.110 Landscaping.</p> <p>Landscaping shall be in accordance with SCC 30.25.027.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.110 to Chapter 30.32C by creating a new 30.32C.110.</p>
<p>Add a new Section:</p> <p>30.32C.120 Setbacks.</p> <p>Mineral excavation and processing operations, as well as related structures and buildings, shall be set back in accordance with SCC 30.23.110(27).</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.120 to Chapter 30.32C by creating a new 30.32C.120.</p>

Proposed Code Change	Description
<p>Add a new Section:</p> <p>30.32C.130 Protection of water quality.</p> <p>(1) Operators shall divert or protect all natural drain courses to prevent pollution or reduction of natural flow, shall impound runoff as necessary to hold run-off to levels existing prior to the introduction of excavation operations, shall protect streams and grounds from acid forming or toxic materials exposed or produced by excavation operations, shall seal off to the extent directed by the approval authority, any breakthrough of acid water creating a hazard, and shall not allow water to collect nor permit stagnant water to remain in excavations. Wherever possible, the operator shall refrain from disturbing natural drainage course, streams, rivers, and lakes.</p> <p>(2) All applications for an administrative conditional use permit or a conditional use permit for mineral excavation shall also include a hydrogeologic site evaluation pursuant to chapter 30.62C SCC. The excavation shall identify an adequate separation between the bottom of the excavation and the groundwater table.</p> <p>(3) Pursuant to SCC <u>30.32C.220</u>, the approval authority may require summer testing of groundwater levels and quality.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.130 to Chapter 30.32C by creating a new 30.32C.130.</p>
<p>Add a new Section:</p> <p>30.32C.135 Noise.</p> <p>Excavation and processing of minerals shall be conducted so as to comply with the maximum permissible noise levels established in chapter 10.01.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.135 to Chapter 30.32C by creating a new 30.32C.135.</p>
<p>Add a new Section:</p> <p>30.32C.140 Blasting.</p> <p>Blasting or other activities producing ground vibration shall not constitute a nuisance to, or damage in any way, the property of adjacent landowners. The approval authority may require testimony by technical specialists in order to determine appropriate amounts and placement of explosives and other vibration producing equipment and may place such restrictions as are appropriate to avoid such nuisance or damage.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.140 to Chapter 30.32C by creating a new 30.32C.140.</p>
<p>Add a new Section:</p> <p>30.32C.145 Air quality.</p> <p>Extraction and processing shall be conducted to comply with state air quality standards and any permit requirements as set forth by the Puget Sound Clean Air Agency. The approval authority may, as a condition of approval, require the use of best management practices (such as watering of the site and equipment) to control emissions of suspended particulates</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.145 to Chapter 30.32C by creating a new 30.32C.145.</p>
<p>Repeal Section 30.32C.150</p>	<p>Repeal section 30.32D.150 SCC and relocate to 30.32C.050.</p>

Proposed Code Change	Description
<p>Add a new Section:</p> <p>30.32C.155 Underground excavations.</p> <p>Underground excavation operations shall not be left in a condition so as to be or become hazardous. Mine shafts, air courses, inclines, or horizontal working temporarily unused or deserted shall be blocked by solid bulkheads constructed of concrete, wood, or steel. A locked manway or door may be installed as part of the bulkhead. Where shafts, air courses, inclines or horizontal working are to be permanently abandoned in accordance with good mining practice, the collar portal to such workings shall be completely blocked by permanent bulkheads constructed of concrete and/or steel or by causing the collapse of solid rock at such collar or portal in such manner as to prohibit the reopening of said workings by natural movement of the collapsed rock by gravity down inclined workings.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.150 to Chapter 30.32C by creating a new 30.32C.155.</p>
<p>Add a new Section:</p> <p>30.32C.160 Land disturbing activity, reclamation and topsoil retention.</p> <p>(1) Where applicable pursuant to SCC 30.63B.020, excavation and processing of minerals, and other mining-related development activities, including but not limited to road construction, drainage facilities and detention ponds, and reclamation of mining sites not subject to chapter 78.44 RCW, shall be in accordance with chapter 30.63B SCC.</p> <p>(2) Topsoil that exists on a site shall be retained on the site in sufficient quantities to ensure an adequate supply for reclamation purposes for excavations not regulated by the state pursuant to chapter 78.44 RCW.155.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.160 to Chapter 30.32C by creating a new 30.32C.160.</p>
<p>Repeal Section 30.32C.200 SCC.</p>	<p>Repeal section 30.32D.200 SCC and relocate to 30.32C.300.</p>
<p>Repeal Section 30.32C.210 SCC.</p>	<p>Repeal section 30.32D.210 SCC and relocate to 30.32C.310.</p>
<p>Add a new Section:</p> <p>30.32C.210 Decision criteria.</p> <p>Applications for an administrative conditional use permit or a conditional use permit on sites which meet the criteria in SCC 30.32C.010(2) and (3) shall not be denied unless the approval authority makes a finding of fact and a determination that any of the following situations exist:</p> <p>(1) It is determined that the reclamation plans and operating procedures for excavations not regulated by the state pursuant to chapter 78.44 RCW proposed by the applicant are not adequate to protect the general welfare and adjoining properties or the natural environment to an extent deemed reasonable as conditioned by these local circumstances:</p> <p style="padding-left: 40px;">(a) the operation will probably endanger the health, comfort, welfare, or safety of the public by the pollution of any waters or the atmosphere, or create unusual and dangerous traffic conditions; and</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.210 to Chapter 30.32C by creating a new 30.32C.210.</p>

Proposed Code Change	Description
<p>(b) the operation probably will endanger life or property by the storage of explosives, unduly decreasing property values or the removal of subjacent lateral support;</p> <p>(2) The applicant has ever had a previous county permit permanently revoked for cause;</p> <p>(3) The applicant has previously forfeited a security device attached to a previous operation, unless corrective measures have taken place without cost to the county or state; or</p> <p>(4) The suitability of the location and the operation considering the nature and degree of surrounding development.</p>	
<p>Add a new Section:</p> <p>30.32C.220 Additional conditions.</p> <p>Additional conditions may be established or imposed on an administrative conditional use permit or a conditional use permit for excavation and processing of minerals and may include, but are not limited to, the following:</p> <p>(1) Regulation of the height and location of all equipment installed on the site, above and beyond the setback restrictions of this chapter, if unusual circumstances bearing on public safety or other vital concerns are deemed to exist;</p> <p>(2) The number and locations of points of ingress and egress to and from any mining operation;</p> <p>(3) Wherever possible the operator shall schedule his excavation sequence in such a manner as to provide either natural or reclaimed buffers between the operation and adjoining properties;</p> <p>(4) Lighting to minimize visibility from adjacent property and preclude it from shining directly onto adjoining property;</p> <p>(5) Stockpiles and tailings shall not exceed the height, slope and moisture content limits determined by the hearing examiner, nor shall such stockpiles or tailings be so located as to threaten adjacent slopes or properties. In making this determination, the approval authority may consult with the Washington State Department of Transportation, the Department of Natural Resources, the director of the department of public works, or other authoritative sources;</p> <p>(6) Selective cutting of timber in power line corridors;</p> <p>(7) Control of signs;</p> <p>(8) The selection of building materials in scenic areas;</p> <p>(9) The preservation of animal trails by use of trestle and culverts;</p> <p>(10) Public access to unexcavated areas, especially if the areas include waterfront property;</p> <p>(11) Closed aggregate washing systems;</p> <p>(12) The location of mining towns, mills, tailing dump sites, settling ponds;</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.220 to Chapter 30.32C by creating a new 30.32C.220.</p>

Proposed Code Change	Description
<p>(13) The removal of access roads in wilderness areas after the completion of mining, as well as their restriction from public use during such operations;</p> <p>(14) Provisions for groundwater testing;</p> <p>(15) The establishment of a haul route agreement; and</p> <p>(16) Required participation in a monitoring program.</p>	
<p>Add new Section:</p> <p>30.32C.230 Inspections.</p> <p>The granting of any permit hereunder is conditioned upon the consent of the owner to permit inspection of the site at any time. The inspection may include:</p> <p>(1) A review of all applicable county permits;</p> <p>(2) A review of all work actually being conducted on the site; and</p> <p>(3) A comparison of the actual performance with approved methods contained in the permit, as well as a recording of any known violations of state or federal permits. All violations shall be noted whether or not they are corrected in the presence of the inspector.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.230 to Chapter 30.32C by creating a new 30.32C.230.</p>
<p>Add new Section:</p> <p>30.32C.240 Suspension and/or Revocation of approval.</p> <p>Administrative conditional use permits or conditional use permits for excavation may be suspended or revoked in accordance with SCC 30.85.300 or 30.85.310.</p>	<p>With the repeal of the MC zone and Chapter 30.31D, relocate section 30.31D.240 to Chapter 30.32C by creating a new 30.32C.240.</p>
<p>Add new Section:</p> <p>SCC 30.32C.250 Transition to Post-Extractive Land Uses</p> <p>(1) Sites with an active Conditional Use Permit or Administrative Conditional Use Permit issued pursuant to this chapter that are approaching depletion of all commercially significant mineral resources on the site may enter into a development agreement under chapter 30.75 SCC to address reclamation and transition into post-extractive uses.</p> <p>(2) Development agreements under subsection (1) may allow grading, utility installation, landscaping, and other necessary components of the development not inconsistent with ongoing mining to occur upon approval but will prohibit final subdivision or short subdivision approval and issuance of any building permit not directly related to mining operations until the completion of surface mining as defined by RCW 78.44.031(2) on the site.</p>	<p>Add a new SCC 30.32C.250 to implement the new General Policy Plan policy LU 9.A.14, by allowing a development agreement addressing the transition from active mining to post-extraction uses.</p>

Proposed Code Change	Description
<p>Add new Section:</p> <p>SCC 30.32C.300 Notice and disclosure required.</p> <p>The disclosure text set forth in SCC 30.32C.310 shall be used under the following circumstances and in the following manners:</p> <p>(1) Snohomish County shall mail a copy of the disclosure text in SCC 30.32C.310, with an explanatory informational attachment, to owners of real property within 2,000 feet of any real property predesignated to mineral resource land by amendment to the comprehensive plan future land use map within 90 days from the date the mineral resource land designation becomes effective.</p> <p>(2) Development permits and building permits for land that is designated mineral resource land or land that is within 2,000 feet of designated mineral resource land shall include the notice contained in SCC 30.32C.310. 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 2,000 feet of land that is designated mineral resource land.</p>	<p>Relocate this section from 30.32C.200 to 30.32C.300.</p>
<p>Add new Section:</p> <p>SCC 30.32C.310 Disclosure text.</p> <p>The following shall constitute the disclosure required by SCC 30.32C.300:</p> <p>Your real property is on or within 2,000 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. An application might be made on the designated mineral resource land for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.</p>	<p>Relocate this section from 30.32C.210 to 30.32C.310.</p>
<p>Amendments to Chapter 30.41C - Rural Cluster Subdivisions and Short Subdivisions</p>	
<p>SCC 30.41C.020 Applicability.</p> <p>...</p> <p>(2) Clustering is permitted in the following zones:</p> <ul style="list-style-type: none"> (a) Forestry (F); (b) Forestry and Recreation (F & R); (c) Rural Resource Transition - 10 acre (RRT-10); (d) Rural Five-Acre (R-5); (e) Rural Conservation (RC); (f) Rural Diversification (RD); and 	<p>Delete reference to the MC-Mineral Conservation Zone and update code references.</p>

Proposed Code Change	Description												
<p>((g) Mineral Conservation (MC-))</p> <p>...</p> <p>(4) Where the mineral resource overlay (MRO) covers a portion of a parcel zoned R-5, the provisions of this chapter may be used on that portion of the parcel located outside the MRO, if the provisions of SCC ((30.32C.150)) <u>30.32C.050</u> are met.</p>													
<p>SCC 30.41C.090 Restricted open space - general requirements.</p> <p>...</p> <p>Table 30.41C.090 Restricted Open Space Area Requirements</p> <table border="1" data-bbox="117 505 892 873"> <tr> <td data-bbox="117 505 365 740">Zones and comprehensive plan designation</td> <td data-bbox="365 505 537 740">(1) Forestry (F) zone (2) Forestry & Recreational (F&R) zone ((3) Mineral Conservation zone (MC) with or without MRO))</td> <td data-bbox="537 505 743 740">(1) Rural 5-acre zone in RR-5 & RR-10(RT) without MRO (2) Rural Resource Transition 10-acre zone, Rural Conservation (RC) zone & Rural Diversification zones in RR-10(RT) designation with MRO</td> <td data-bbox="743 505 892 740">(1) Rural 5-acre zone in RR (RR Basic) designation without MRO</td> </tr> <tr> <td data-bbox="117 740 365 797">Minimum restricted open space</td> <td data-bbox="365 740 537 797">60 percent</td> <td data-bbox="537 740 743 797">45 percent</td> <td data-bbox="743 740 892 797">45 percent</td> </tr> <tr> <td data-bbox="117 797 365 873">Minimum restricted open space (natural resource lands)</td> <td data-bbox="365 797 537 873">60 percent</td> <td data-bbox="537 797 743 873">60 percent</td> <td data-bbox="743 797 892 873">60 percent</td> </tr> </table> <p>Notes: The Mineral Resource Lands Overlay (MRO) is a comprehensive plan designation overlay which overlaps other designations. Where the MRO overlaps the R-5 zone, residential subdivision is prohibited on any portion of a parcel located within the MRO under SCC ((450)) <u>050</u></p> <p>...</p>	Zones and comprehensive plan designation	(1) Forestry (F) zone (2) Forestry & Recreational (F&R) zone ((3) Mineral Conservation zone (MC) with or without MRO))	(1) Rural 5-acre zone in RR-5 & RR-10(RT) without MRO (2) Rural Resource Transition 10-acre zone, Rural Conservation (RC) zone & Rural Diversification zones in RR-10(RT) designation with MRO	(1) Rural 5-acre zone in RR (RR Basic) designation without MRO	Minimum restricted open space	60 percent	45 percent	45 percent	Minimum restricted open space (natural resource lands)	60 percent	60 percent	60 percent	<p>Delete reference to the MC-Mineral Conservation Zone and update code references.</p>
Zones and comprehensive plan designation	(1) Forestry (F) zone (2) Forestry & Recreational (F&R) zone ((3) Mineral Conservation zone (MC) with or without MRO))	(1) Rural 5-acre zone in RR-5 & RR-10(RT) without MRO (2) Rural Resource Transition 10-acre zone, Rural Conservation (RC) zone & Rural Diversification zones in RR-10(RT) designation with MRO	(1) Rural 5-acre zone in RR (RR Basic) designation without MRO										
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<p>30.41C.100 Restricted open space - natural resource lands.</p> <p>...</p> <p>(2) A disclosure statement regarding the use rights associated with natural resource lands, as required by SCC 30.32A.210, SCC 30.32B.210 or SCC ((30.32C.200)) <u>30.32C.300</u>, shall be recorded on the final plat or final short plat. The disclosure statement shall contain text stating the protections and potential hazards of proximity to agricultural, forestry, or mineral uses as required in SCC 30.32A.220, SCC 30.32B.220 or SCC ((30.32C.210)) <u>30.32C.310</u>.</p>	<p>Update code references to reflect repeal of Chapter 30.31D SCC and amendments to Chapter 30.32C SCC.</p>												

Proposed Code Change	Description
<p>SCC 30.41C.110 Ownership and preservation of restricted open space.</p> <p>...</p> <p>(5) All lands classified as natural resource lands, including lands designated mineral resource overlay, that are included in restricted open space areas shall be:</p> <p style="padding-left: 40px;">(a) Placed under a unified system of property management for the purpose of maximizing their continued or future management for beneficial resource production/conservation purposes; and</p> <p style="padding-left: 40px;">(b) If the land is designated mineral resource overlay it shall be subject to the requirements of SCC ((30.32C.150) <u>30.32C.050</u>).</p> <p>...</p>	<p>Update code references to reflect amendments to Chapter 30.32C SCC.</p>
Amendments to all other Chapters	
<p>30.65.220 Floodways: permitted uses.</p> <p>...</p> <p>(5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream flood hazard areas, or in any other way threaten public or private properties. When allowed, such removal shall comply with the provisions of chapter ((30.31D) <u>30.32C</u>) SCC and the county shoreline management program;</p> <p>...</p>	<p>Update code references to reflect repeal of Chapter 30.31D SCC and amendments to Chapter 30.32C SCC.</p>
<p>SCC 30.66B.035 Traffic study- when required.</p> <p>...</p> <p>(2) Applicants for mineral operations submitted in accordance with chapter ((30.31D) <u>30.32C</u>) SCC shall be required to provide a traffic study to enable the department of public works to analyze and assess appropriate mitigation for impacts to the road system resulting from the activity.</p> <p>...</p>	<p>Update code references to reflect repeal of Chapter 30.31D SCC and amendments to Chapter 30.32C SCC.</p>
<p>SCC 30.66B.080 Authorization for administrative rules.</p> <p>...</p> <p>(9) Review of applications for mineral operations submitted in accordance with chapter ((30.31D) <u>30.32C</u>) SCC generating significant numbers of large trucks including traffic study requirements, impact analysis, and mitigation requirements;</p>	<p>Update code references to reflect repeal of Chapter 30.31D SCC and amendments to Chapter 30.32C SCC.</p>

Proposed Code Change	Description
<p>...</p> <p>SCC 30.67.560 Mining.</p> <p>(1) The following general regulations apply to mining activities in shorelines:</p> <p>...</p> <p>(b) Removal of mineral resources shall comply with the following standards:</p> <p>...</p> <p>(v) Mining activities waterward of the ordinary high water mark of a river, including bars and islands, shall not be permitted unless:</p> <p>...</p> <p>(D) In considering renewal, extension or reauthorization of gravel bar and other in-channel mining operations in locations where they have previously been conducted, the department shall require compliance with the SMP and chapter (30.31D) <u>30.32C</u> SCC.</p> <p>(c) Permit requirements for mining should be coordinated with the requirements of chapter 78.44 RCW and chapters (30.31D) <u>30.32C</u> and 30.44 SCC.</p> <p>...</p>	<p>Update code references to reflect repeal of Chapter 30.31D SCC and amendments to Chapter 30.32C SCC.</p>
Amendments to Subtitle 30.9 - Definitions	
<p>Add new definition:</p> <p>30.91A.241 Approaching depletion.</p> <p>“Approaching depletion” means the point when, at current extraction rates, the material being extracted will reach depletion within five years.</p> <p><i>This definition applies only to “Mineral Resource Lands” regulations in chapter 30.32C SCC.</i></p>	<p>Add a new definition of “approaching depletion” to implement the new SCC 30.32C.250. This definition only applies to Chapter 30.32C SCC.</p>
<p>30.91D.145 Depletion.</p> <p>“Depletion” means that all mineral resources that are commercially significant for extraction have been extracted. A mineral site may not be considered depleted if it meets criteria for mineral resource overlay designation under the comprehensive plan and under RCW 36.70A.050.</p> <p><i>This definition applies only to “Mineral Resource Lands” regulations in chapter 30.32C SCC.</i></p>	<p>Add a new definition of “depletion” to implement the new SCC 30.32C.250. This definition only applies to Chapter 30.32C SCC.</p>

Proposed Code Change	Description
<p>SCC 30.91E.230 Excavation.</p> <p>"Excavation" means the mining or quarrying or other mechanical removal of sand, gravel, bedrock or precious metals including underground shaft operations, but excluding:</p> <p>(1) Land disturbing activity for building construction where such construction is authorized by a valid building permit; or</p> <p>(2) Tilling of soil for agricultural purposes; or</p> <p>(3) Any excavation:</p> <p style="padding-left: 40px;">(a) Which does not alter a drainage course, and</p> <p style="padding-left: 40px;">(b) Which has less than two feet of mean average depth, or which does not create a cut slope greater than five feet in height and steeper than one and one-half horizontal to one vertical, and</p> <p style="padding-left: 40px;">(c) Located in an MR, LDMR, R-7200, R-8400, R-9600, R-12,500 or WFB zone, where the cubic yardage excavated from contiguous land under common ownership shall never exceed 500 cubic yards, and</p> <p style="padding-left: 40px;">(d) Located in any zone other than those listed in the preceding subsection, where the cubic yardage excavated from contiguous land under common ownership shall never exceed 2,000 cubic yards. The distinction between zones which is provided in this and the preceding subsections shall be observed notwithstanding cross-referencing between zones which may be found elsewhere in this title.</p> <p><i>This definition applies only to chapters 30.22, 30.23, 30.25, ((30.31D,)) 30.32C and 30.63B SCC.</i></p>	<p>Update code references to reflect repeal of Chapter 30.31D SCC.</p>

ATTACHMENT B
Comprehensive Plan Descriptions of Applicable Future Land Use Designations

The following table includes the Comprehensive Plan narratives for the Land Use Designations on properties proposed for rezoning by this proposal. The text in *italics* states how lands in each category would be rezoned by this proposal.

<p align="center">CF</p>	<p>This designation includes primarily large forest land tracts that may not be subdivided for residential development. This designation also includes smaller forest land tracts that are permanently protected from residential development through the Transfer of Development Rights program. These lands may be segregated only into tracts of eighty acres or larger. The Forestry zone is the implementing zone for this designation.</p> <p><i>Lands designated CF in the comprehensive plan and zoned MC would be rezoned to F</i></p>
<p align="center">CF-FTA</p>	<p>This designation is an overlay to the Commercial Forest (CF) designation. The FTA consists of a one quarter mile wide band of Commercial Forest land on the edge of the Commercial Forest Land designation bordering non-resource lands but it does not apply to forest lands that are permanently protected from residential development through the Transfer of Development Rights program. The use of FTA lands is the same as Commercial Forest lands, unless adjacent land uses prevent normal forest practices, in which case limited low density development options also apply.</p> <p><i>Lands designated CF-FTA in the comprehensive plan and zoned MC would be rezoned to F</i></p>
<p align="center">LDRR-20</p>	<p>This designation includes lands that have been zoned Forestry but are not designated as Commercial Forest Land in the GPP. This designation is intended to be a partial basis for a future Rural Resource Transition designation which could provide for transition areas between rural residential lands and natural resource lands of long-term commercial significance. Future GPP amendments will determine the feasibility of such a designation as well as its extent and future minimum lot size requirements. The existing Forestry zone will continue to remain in place until any GPP amendments and implementing regulations for this designation are adopted.</p> <p><i>Lands designated LDRR/20 in the comprehensive plan and zoned MC would be rezoned to F</i></p>
<p align="center">RCF</p>	<p>This designation includes farmland areas generally characterized by being in a river valley, floodplain or shoreline area, having continuous prime farmland soils, and having approximately fifty percent or more of the land area in parcels of forty acres and larger. The Agricultural-10 Acre zone is the implementing zone.</p> <p><i>Lands designated RCF in the comprehensive plan and zoned MC would be rezoned to A-10</i></p>
<p align="center">LCF</p>	<p>This designation includes farmland areas outside of the floodplain or shoreline areas which are generally characterized by a mixture of prime farmland and other soils as defined by the Soils Conservation Service.</p> <p><i>Lands designated LCF in the comprehensive plan and zoned MC would be rezoned to A-10</i></p>
<p align="center">RR-5 (incl. basic)</p>	<p>This designation includes lands that were designated Rural on pre-GMA subarea comprehensive plans and zoned Rural 5. As the result of a joint planning effort between the county and the Tulalip Tribes, the RR-5 designation also applies to certain lands on the Tulalip Reservation that were previously designated Rural Residential. The implementing zone in this designation will continue to be the R-5 zone.</p> <p><i>Lands designated RR/5 in the comprehensive plan and zoned MC would be rezoned to R-5</i></p>

County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions

Referred by Motion No. 21-124

Snohomish County Planning Commission

May 25, 2021



Overview

- Proposal Overview
- Mineral Lands Background
- Proposal Objectives
- Proposal Amendments
 - Proposed Policy Amendments
 - Proposed Code Amendments



Proposal Overview

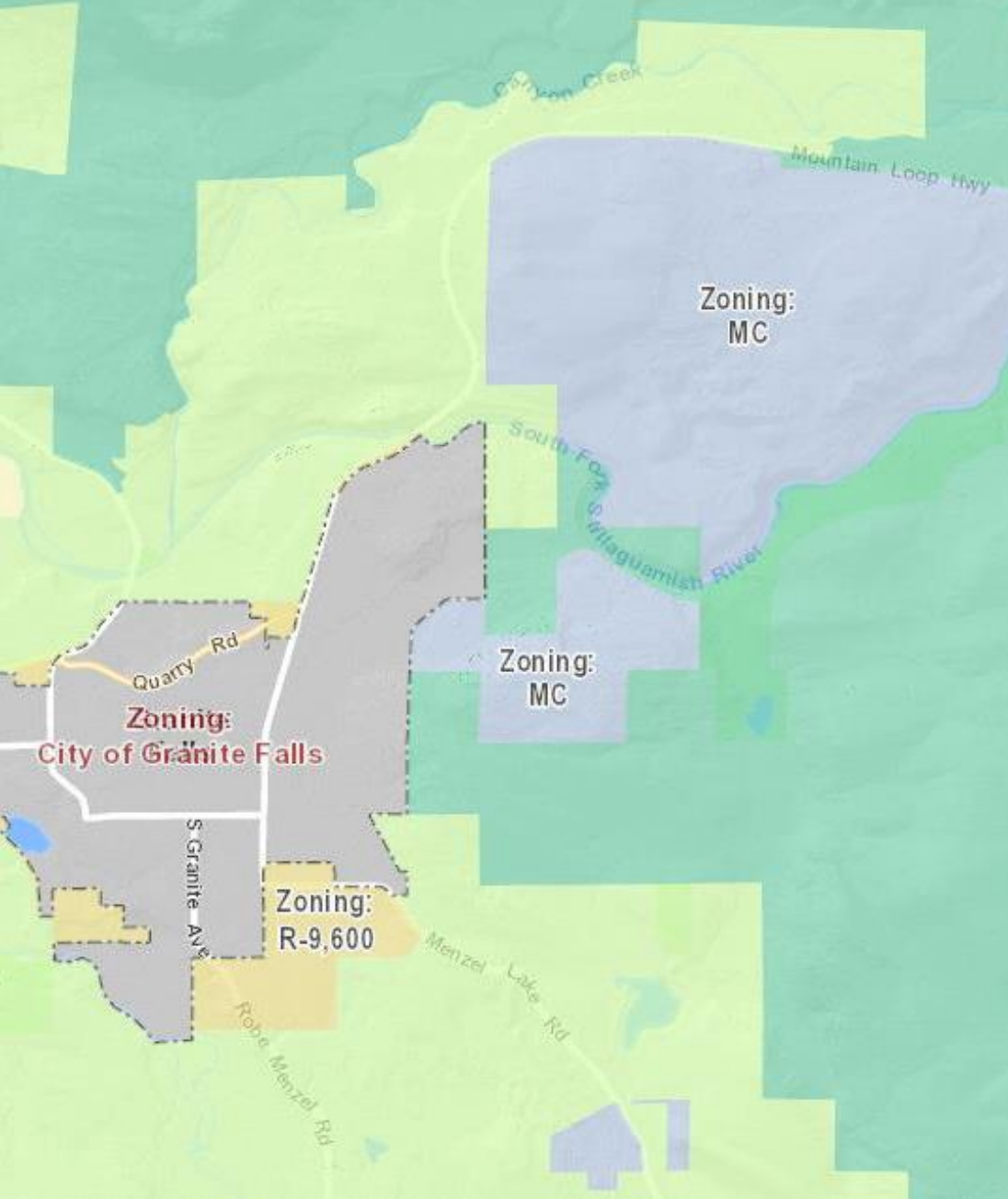
- Motion No. 21-124
- Council referred proposal includes:
 - Amendments to Land Use Chapter of the Comprehensive Plan;
 - Amendments to the Mineral Lands Map and FLUM;
 - Site-specific rezones; and
 - Amendments to Snohomish County Code Title 30.



Mineral Lands

- Mineral Resource Lands of Long-Term Commercial Significance
 - RCW 36.70A.050 and 26.70A.170 and WAC 365-190-070 and 365-196-480
- Areas Designated as Mineral Lands:
 - Are in the County's jurisdiction
 - Are not identified for intensive urban development
 - Are located in undeveloped, low-density rural, or forest areas
 - Meet specific criteria for volume, quality, and extractability





Mineral Lands Designations

Two classifications:

- Mineral Resource Overlay (MRO)
- Mineral Conservation Zone (MC)

Mineral Land Areas:

- MRO only: ~127,800 acres
- MC zone only: ~430 acres
- Both MRO and MC: ~2,300 acres



**SNOHOMISH COUNTY
GMA COMPREHENSIVE PLAN
MINERAL
RESOURCE LANDS
MINERAL RESOURCE OVERLAY (MRO)
EFFECTIVE DATE: 01-09-2021**



**SNOHOMISH COUNTY DATA and
MAP DISCLAIMER**

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42-56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Parcel lines and designation boundaries are adjusted to the Snohomish County Assessor Integrated Land Records Parcel Data Base as of March 2013.

This map is a graphic representation applied from the Snohomish County Geographic Information System. It does not represent survey accuracy. This map is based on the best available information as of the date shown on the map.

For the purposes of land use application review, final determination of future land use designations will be made by the County during the review process.

SNOHOMISH COUNTY

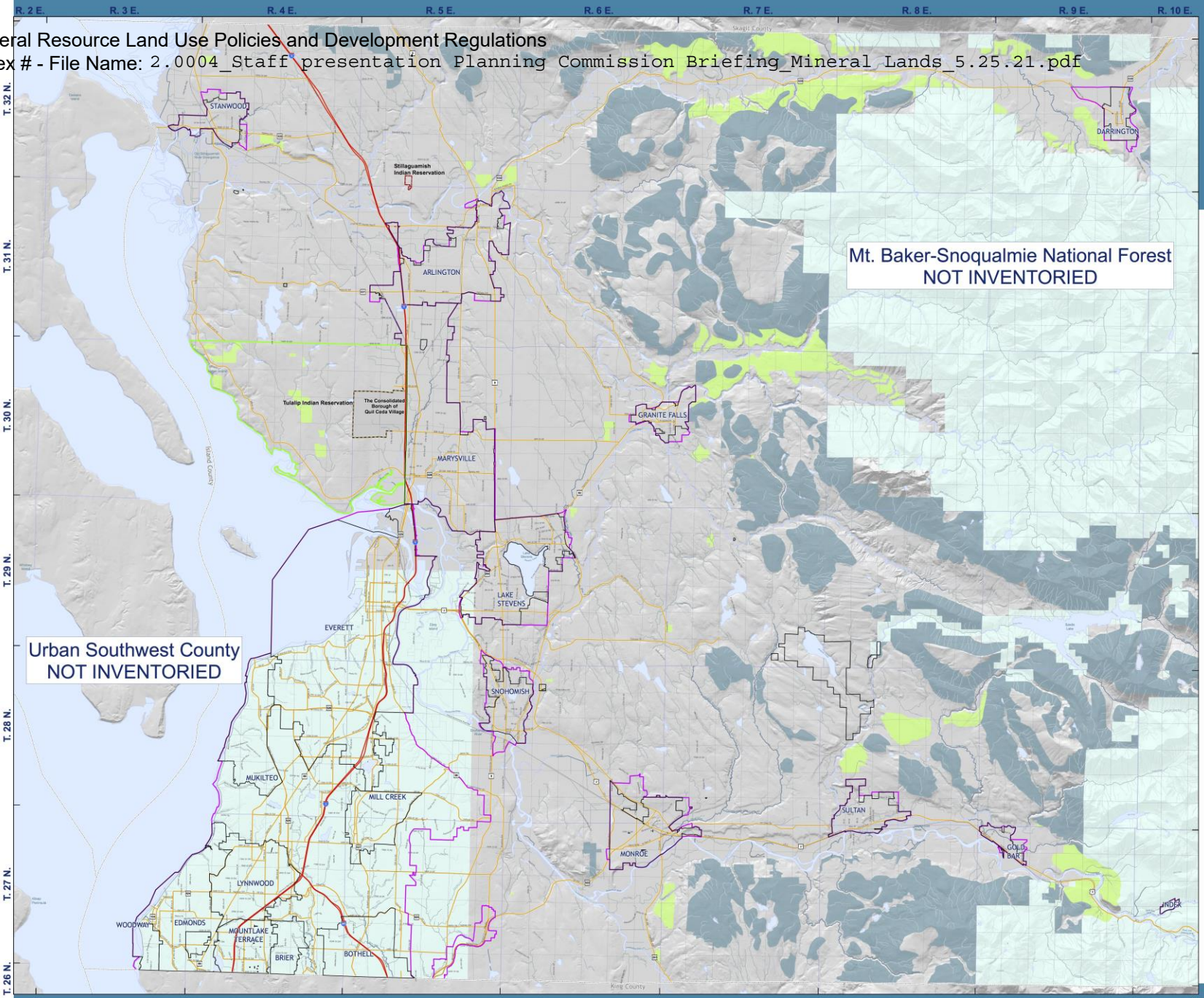


-  Bedrock Deposits (110,058 Acres)
-  Sand and Gravel Deposits (19,905 Acres)
-  Areas Not Inventoried
-  Incorporated City Boundary
-  County Boundary
-  Urban Growth Area Boundary
-  Tulalip Indian Reservation Boundary
-  The Consolidated Borough of Quil Ceda Village
-  Stillaguamish Indian Reservation Boundary
-  Railway
-  Arterial Roadway
-  Freeway
- Watercourses**
-  Type "S"
-  Type "F"
-  Types "Np" and "Ns"
-  Waterbody



**Mt. Baker-Snoqualmie National Forest
NOT INVENTORIED**

**Urban Southwest County
NOT INVENTORIED**



Permitting and Transition to Post-Extractive Uses

- Permits required prior to extraction:
 - DNR issued reclamation permit
 - County issued CUP or ACUP

Comp Plan requirements:

- LU-9.A.13 requires that the MRO be removed before any post-extraction use begins, and
- The MRO cannot be removed until the reclamation permit is "cancelled" by the DNR (certified as restored).



Land Use Policy 9.A.13

The county shall remove, by amendment of the comprehensive plan, the mineral resource land designation of any mineral site certified as restored by the Washington Department of Natural Resources. If the mineral site lies 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.



Mineral Extraction Sequence of Events

1. DNR and County permitting prior to any extraction activities
 2. Active mining
 3. Mineral resources approach depletion
 4. Mineral resources become depleted and mining ceases
- ...



Mineral Extraction Sequence of Events (cont.)



...

5. Grading and reclamation in accordance reclamation permit
6. DNR cancels the reclamation permit and county vacates permits
7. Site is vacated
8. Landowner applies to have MRO removed
9. County approves MRO removal
10. Landowner applies for development permits
11. Grading for development begins
12. Construction on post extractive development begins



Mineral Extraction Sequence of Events (cont.)

...

5. Grading and reclamation in accordance reclamation permit
6. DNR cancels the reclamation permit and county vacates permits
7. Site is vacated
8. Landowner applies to have MRO removed
9. County approves MRO removal ← 
10. Landowner applies for development permits
11. Grading for development begins ← 
12. Construction on post extractive development begins

**Administrative
Delay**



Proposal Objectives

- Amend the sequence of events:
 - Remove/limit administrative delay
 - Potentially remove the need to grade sites twice
- Allow the use of a development agreement to plan for the transition to post-extractive uses.
- Classify all mineral lands as MRO



Proposal Objectives - Amended Sequence

1. DNR and County permitting prior to any extraction activities
2. Active mining
3. Mineral resources approach depletion
4. Development agreement between the county and the landowner
5. Mineral resources become depleted and mining ceases
6. Grading and reclamation in accordance reclamation permit and development agreement

...



Proposal Objectives - Amended Sequence

...

7. DNR cancels the reclamation permit and county vacates permits
8. Landowner applies to have MRO removed
9. County approves MRO removal
10. Landowner applies for development permits
11. Construction on post extractive development begins

Proposed Policy Updates



Amend Land Use Policy 9.A.13

The county shall remove (~~(, by amendment of the comprehensive plan,))~~ the mineral resource land designation of mineral sites for which reclamation permits have been cancelled by (~~(any mineral site certified as restored by))~~ the Washington Department of Natural Resources and that no longer meet mineral resource land designation criteria. If the mineral site lies 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.



New Land Use Policy 9.A.14

For active mineral sites that are approaching depletion of commercially-significant mineral resources and that will no longer meet mineral resource land designation criteria at the completion of mining, the county should work proactively to provide for an orderly and efficient transition from active mining into post-extraction uses. The county may enter into development agreements to comprehensively plan for this transition, subject to the following:

- a. Development agreements shall prohibit final subdivision or issuance of building permits until commercially-significant mineral resources are depleted on the site and the Washington State Department of Natural Resources has cancelled all reclamation permits on the site.
- b. Where lands adjacent or nearby the site addressed by the development agreement are designated mineral resource land, provisions of the development agreement shall be compatible with future mineral extraction activities on the adjacent or nearby lands.



Amend Land Use Policy 9.B.2

The county shall prohibit residential subdivision where the MRO coincides with a 5-acre rural residential designation, although development agreements may provide for a transition to post-extractive uses under LU Policy 9.A.14. Where the MRO covers only a portion of a rural 5-acre designated parcel, the parcel may be subdivided provided that:

- a. minimum lot size requirements can be met according to underlying zoning;
- b. rural cluster subdivision is used; and
- c. the portion of the property having the MRO overlay shall be preserved for future mineral resource use by adequate buffers, setbacks and open space.

Proposed Code Updates



Add: SCC 30.32C.250 Transition to Post-Extractive Uses

- 1) Sites with an active Conditional Use Permit or Administrative Conditional Use Permit issued pursuant to this chapter that are approaching depletion of all commercially significant mineral resources on the site may enter into a development agreement under chapter 30.75 SCC to address reclamation and transition into post-extractive uses.
- 2) Development agreements under subsection (1) may allow grading, utility installation, landscaping, and other necessary components of the development not inconsistent with ongoing mining to occur upon approval but will prohibit final subdivision approval and issuance of any building permit not directly related to mining operations until the completion of surface mining as defined by RCW 78.44.031(2) on the site.



Other Code Amendments

- Repeal the MC Zone (repeal Chapter 30.31D SCC)
- Relocate all applicable standards from Chapter 30.31D to 30.32C SCC
- Correct all references to Chapter 30.31D SCC
- Delete references to the MC zone
- Add new definitions to Chapters 30.91A and 30.91D SCC:
 - Approaching Depletion
 - Depletion



MRO Amendments and Rezones

- Affix the MRO to all MC parcels
- Rezone 87 MC parcels to:
 - Agricultural 10 acre (A-10)
 - Forestry (F)
 - Rural 5-acre (R-5)
- Pursuant to SCC 30.73.050(2): The County is required to mail notice of the Planning Commission public hearing to:
 1. Each taxpayer of record and known site address within the area proposed for a zoning change; and
 2. Those properties within 1,000 feet of the area proposed for a zoning change.



PDS Recommendation

- Hold a public hearing on this County Council referred proposal on June 22, 2021.



Questions?

Mitchell Brouse

Senior Planner

Planning & Development Services

mitchell.brouse@snoco.org

(425) 388-5127



Snohomish County



Snohomish County

PLANNING COMMISSION

PLANNING & DEVELOPMENT SERVICES

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201

Clerk Contact: megan.moore@snoco.org; (425) 262-2891

REGULAR SESSION MAY 25, 2021 MINUTES

A. CALL TO ORDER, ROLL CALL, AND ANNOUNCEMENT OF THE AGENDA

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:31 p.m. Of the nine (9) currently appointed commissioners, eight (8) were in attendance (a quorum being six (6) members and a majority being six (6) members):

Merle Ash	James Kamp	Tom Norcott
Leah Everett @ 5:33 pm	Robert Larsen	Neil Pedersen
Mark James		Raymond Sheldon @ 5:34 pm

Keri Moore was absent from this meeting.

Mike McCrary Planning and Development Services (PDS), Director, served as Planning Commission Secretary for this meeting.

B. APPROVAL OF MEETING MINUTES

The minutes of [April 27, 2021](#) regular meeting were approved unanimously.

C. STATUS OF PAST RECOMMENDATIONS AND FUTURE AGENDA ITEMS

Mike McCrary reviewed anticipated topics for upcoming Planning Commission meetings and the status of past recommendations.

- [Status of Past Recommendations](#)
- [Upcoming Planning Commission Meeting Topics](#)

D. UNFINISHED BUSINESS

1. Historic & Archaeology Resources: Deliberation

Amber Piona, PDS Planner, 425-262-2375, amber.piona@snoco.org

Gretchen Kaehler, DCNR County Archeologist, 425-388-343, gretchen.kaeler@snoco.org

Amber briefed the commission on the Staff Recommended Amendment Sheet. The proposed code amendments to chapter 30.32D SCC address archaeological resources. The purpose of the proposed amendments is to revise land use regulations associated with archaeological resources to reflect current law, clarify terminology, and increase the protection of archaeological resources in unincorporated Snohomish County.

After a summary of the proposed amendments Chair Larsen asked for questions from the commissioner. There were no comments or questions from commissioners.

A **Motion** was made by Commissioner Pedersen and seconded by Commissioner Norcott recommending **approval** on the proposed code amendments to chapter 30.32D.

VOTE (Motion):

8 in favor (*Ash, Everett, James, Kamp, Larsen, Norcott, Pederson, and Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Hearing Memo dated May 7, 2021](#)
- [Hearing Memo dated April 9, 2021](#)
- [Briefing Staff Report dated March 5, 2021](#)
- [Staff Recommended Amendment Sheet](#)

E. NEW BUSINESS

1. County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions: Briefing

Mitchell Brouse, PDS Senior Planner, 425-388-5127, mitchell.brouse@snoco.org

Staff briefed the Planning Commission on a County Council referred proposal to amend the portions of the Snohomish County Growth Management Act (GMA) Comprehensive Plan General Policy Plan (GPP) and Snohomish County Code (SCC) Title 30 related to the designation and exhaustion of mineral lands. The proposal was referred by Motion No. 21-124 and includes: (1) amendments to the GPP related to the transition of mine sites to post extractive uses; (2) amendments to the Mineral Resource Lands Map (Map 2); (3) amendments to SCC related to mineral lands and the exhaustion of mining operations; and (4) site specific rezones.

After the briefing Chair Larsen asked for questions from the commissioners. Key discussion points included definitions of mineral exhaustion, category of extractions, organizations responsible for code enforcement regarding mineral land use, permitting types, and public notices for the hearing next month.

For further information, please review the following:

- [Briefing Staff Report dated May 7, 2021](#)

2. County-initiated Comprehensive Plan Amendments: Briefing

Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org

The Planning Commission was briefed by staff on the annual consideration of county-initiated amendments to the GMA comprehensive plan according to the requirements of Chapter 30.73 SCC. Staff is requesting a public hearing be tentatively scheduled for June 22, 2021, for this year's package of proposed amendments that consist of:

GPP21-3 – Technical Corrections

The 2021 Technical Corrections consist of amendments to maps 1, 2, 4, and 5 of the General Policy Plan (GPP) to recognize properties that are no longer under county jurisdiction due to municipal annexations.

Directly following this briefing, the commissioners were briefed on the next item, Docket XX.

For further information, please review the following:

- [Briefing Staff Report dated May 7, 2021](#)

3. Docket XX: Briefing

Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org

Terri Strandberg, PDS Principal Planner, 425-262-2359, terri.strandberg@snoco.org

The Planning Commission was briefed on Final Docket XX which consists of four docket proposals to amend the Snohomish County Growth Management Act Comprehensive Plan (GMACP) and implementing zoning according to the requirements of Chapter 30.74 SCC:

1. Olympic View Water and Sewer District (CFP1) – Amend the Capital Facilities Plan of the GMACP to identify Olympic View as the sewer provider to the Point Wells site and approve a 2019 amendment to Olympic View's 2007 comprehensive sewer plan to include the Point Wells site.
2. Edward Tokarz (SW5) – Amend the Future Land Use (FLU) map of the General Policy Plan (GPP) to redesignate .72 acres in the Southwest Urban Growth Area (SWUGA) from Urban Medium Density Residential (UMDR) to Urban High Density Residential (UHDR) and rezone from R-8,400 to Multiple Residential (MR).
3. Tom Winde et al. (SW6) – Amend the FLU map of the GPP to:
 - a. (Option 1) Redesignate 19.96 acres in the SWUGA from Urban Low Density Residential (ULDR) to UHDR and rezone from R-7,200 to MR; or
 - b. (Option 2) Redesignate 19.96 acres in the SWUGA from ULDR to UMDR and rezone from R-7,200 to Low Density Multiple Residential (LDMR).
4. Marv Thomas (SW7) – Amend the FLU map of the GPP to redesignate 6.6 acres in the SWUGA from ULDR to Urban Commercial and rezone from R-7,200 to Community Business

For further information, please review the following:

- [Olympic View Water and Sewer District Briefing Staff Report dated May 7, 2021](#)
- [Edward Tokarz Briefing Staff Report dated May 7, 2021](#)
- [Tom Winde et al. Briefing Staff Report dated May 7, 2021](#)
- [Marv Thomas Briefing Staff Report dated May 7, 2021](#)

Discussion/question: map clarification, clarification of recommendations of options for Tom Winde et al. site, site location specifics, sewer discharge volume and treatment plants, policy for transportation stops and distance, impacts of transportation stops, jurisdictions and ownership, and clarification of timing for testimony and public comments at hearing date.

Further discussion was held on the length of time for public comment during hearings. Chair Larsen asked that timing for public comment be discussed at the top of the agenda at the next Planning Commission.

F. ADJOURN

[Meeting agenda](#)

[Meeting recording](#)

[Planning Commission Main Website](#)

Meeting adjourned at 7:18 pm

EXHIBIT 2.0006

Planning Commission Meeting 05/25/21

Contact Clerk of the Council for recording at 425-388-3494 or contact.council@snoco.org

(Clerk Note: saved in G:\ECAF\Council Approved\2021\21-0664 Mineral Resources\2.0006 – PC 20210525 Recording)



Snohomish County

**PLANNING COMMISSION
PLANNING & DEVELOPMENT SERVICES**

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: megan.moore@snoco.org

**REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission**

**June 22, 2021
5:30 PM**

Join the Zoom Meeting: <https://zoom.us/j/91774106168>
or call (253) 215-8782
Meeting ID: 917 7410 6168

For access to supporting documents reviewed by the Planning Commission, visit our website at <http://www.snohomishcountywa.gov> and enter "Planning Commission" in the search box.

A. CALL TO ORDER, ROLL CALL, AND AGENDA REVIEW

B. APPROVAL OF MINUTES

- [May 25, 2021](#): Regular Meeting

C. STATUS OF PAST RECOMMENDATIONS AND FUTURE AGENDA ITEMS

- [Report on Recent Snohomish County Planning Commission Activities](#)
- [Upcoming Planning Commission Meeting Topics](#)

D. UNFINISHED BUSINESS

1. Length of time for oral testimony

Commissioners will discuss the length of time for oral testimony.

2. 2021 County-initiated Comprehensive Plan Amendments: Hearing

Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org

The Planning Commission will hold a public hearing on the annual consideration of county-initiated amendments to the GMA comprehensive plan according to the requirements of Chapter 30.73 SCC. The 2021 package of proposed amendments consist of:

GPP21-3 – Technical Corrections



Snohomish County

**PLANNING COMMISSION
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The 2021 Technical Corrections consist of amendments to maps 1, 2, 4, and 5 of the General Policy Plan (GPP) to recognize properties that are no longer under county jurisdiction due to municipal annexations.

For further information, please review the following:

- [GPP21-3 Tech Corrections Staff Recommendation dated June 4, 2021](#)
- [Briefing Staff Report dated May 7, 2021](#)
- [Presentation dated May 25, 2021](#)

3. Final Docket XX: Hearings

Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org
Terri Strandberg, PDS Principal Planner, 425-262-2359, terri.strandberg@snoco.org

The Planning Commission will hold public hearings on Final Docket XX which consists of four docket proposals to amend the GMA comprehensive plan and implementing zoning according to the requirements of Chapter 30.74 SCC. Public comments will be accepted on the Final Docket XX proposals and on the Draft Supplemental Environmental Impact Statement (DSEIS) prepared by Planning and Development Services and the Department of Public Works on the Winde (SW6) docket proposal. The DSEIS comment period ends at 5:00 p.m. on Wednesday, July 7, 2021.

3.1 Olympic View Water and Sewer District (CFP1) Hearing – Amend the Capital Facilities Plan of the GMACP to identify Olympic View as the sewer provider to the Point Wells site and approve a 2019 amendment to Olympic View’s 2007 comprehensive sewer plan to include the Point Wells site.

For further information, please review the following:

- [Olympic View Water and Sewer District Briefing Staff Report dated May 7, 2021](#)
- [Presentation dated June 22, 2021](#)
- [Presentation dated May 25, 2021](#)

3.2 Edward Tokarz (SW5) Hearing – Amend the Future Land Use (FLU) map of the General Policy Plan (GPP) to redesignate .72 acres in the Southwest Urban Growth Area (SWUGA) from Urban Medium Density Residential (UMDR) to Urban High Density Residential (UHDR) and rezone from R-8,400 to Multiple Residential (MR).

For further information, please review the following:

- [SW5 Tokarz Docket XX Staff Recommendation dated June 4, 2021](#)
- [Tokarz SW5 Aerial final](#)
- [Tokarz SW5 FLU final](#)
- [Tokarz SW7 Zoning final](#)
- [Edward Tokarz Briefing Staff Report dated May 7, 2021](#)
- [Presentation dated May 25, 2021](#)



Snohomish County

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3.3 Tom Winde et al. (SW6) Hearing – Amend the FLU map of the GPP to:

- a. (Option 1) Redesignate 19.96 acres in the SWUGA from Urban Low Density Residential (ULDR) to UHDR and rezone from R-7,200 to MR; or
- b. (Option 2) Redesignate 19.96 acres in the SWUGA from ULDR to UMDR and rezone from R-7,200 to Low Density Multiple Residential (LDMR).

For further information, please review the following:

- [SW6 Winde Docket XX Staff Recommendation dated June 4, 2021](#)
- [Winde SW6 Aerial final](#)
- [Winde SW6 FLU option 1 final](#)
- [Winde SW6 FLU option 2 final](#)
- [Winde SW6 Zoning option 1 final](#)
- [Winde SW6 Zoning option 2 final](#)
- [Tom Winde et al. Briefing Staff Report dated May 7, 2021](#)
- [Presentation dated May 25, 2021](#)
- [Draft Supplemental Environment Impact Statement – Winde \(SW6\)](#)

3.4 Marv Thomas (SW7) Hearing – Amend the FLU map of the GPP to redesignate 6.6 acres in the SWUGA from ULDR to Urban Commercial and rezone from R-7,200 to Community Business.

For further information, please review the following:

- [SW7 Thomas Docket XX Staff Recommendation dated June 4, 2021](#)
- [Thomas SW7 Aerial final](#)
- [Thomas SW7 FLU final](#)
- [Thomas SW5 Zoning final](#)
- [Marv Thomas Briefing Staff Report dated May 7, 2021](#)
- [Presentation dated May 25, 2021](#)

4. County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions: Hearing

Mitchell Brouse, PDS Senior Planner, 425-388-5127, mitchell.brouse@snoco.org

The Planning Commission will hold a public hearing on a County Council referred proposal to amend the portions of the Snohomish County Growth Management Act (GMA) Comprehensive Plan General Policy Plan (GPP) and Snohomish County Code (SCC) Title 30 related to the designation and exhaustion of mineral lands. The proposal was referred by Motion No. 21-124 and includes: (1) amendments to the GPP related to the transition of mine sites to post extractive uses; (2) amendments to the Mineral Resource Lands Map (Map 2); (3) amendments to SCC related to mineral lands and the exhaustion of mining operations; and (4) site specific rezones.

For further information, please review the following:

- [Briefing Staff Report dated May 7, 2021](#)



Snohomish County

PLANNING COMMISSION

PLANNING & DEVELOPMENT SERVICES

- [Presentation dated May 25, 2021](#)

E. NEW BUSINESS

F. ADJOURN



Snohomish County
PLANNING COMMISSION
PLANNING & DEVELOPMENT SERVICES

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Brandi Spores, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or via email at Brandi.Spores@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Development Services, Reception Desk, 2nd Floor, County Administration Building-East, 3000 Rockefeller Avenue, Everett. For more information, call Brandi Spores, Planning Commission Clerk, at 425-388-3224.

AMERICANS WITH DISABILITIES ACT NOTICE:

Snohomish County facilities are accessible. The county strives to provide access and services to all members of the public. Sign language interpreters and communication materials in alternate form will be provided upon advance request of one calendar week. Contact Angela Anderson at 425-262-2206 Voice, or 425-388-3700 TDD

Snohomish County Planning Commissioners:

Merle Ash, District 1	Vacant, District 4
Mark James, District 1	Neil Pedersen, District 4
Tom Norcott, District 2	James Kamp, District 5
Raymond Sheldon, Jr., District 2	Leah Everett, District 5
Robert Larsen, District 3	Keri Moore, Executive Appointee
Vacant, District 3	

Commission Staff (from Planning and Development Services (PDS) Department):

Mike McCrary, Commission Secretary	Megan Moore, Commission Clerk
------------------------------------	-------------------------------

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Lia Toupin 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 2583500 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 06/12/2021 and ending on 06/12/2021 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$327.60

Lia d Toupin

Subscribed and sworn before me on this

22nd day of July

2021

Linda Phillips

Notary Public in and for the State of Washington.



Account Name Snohomish County Planning Acct. 14107010
REQUESTED BY Megan Moore
PO/Notice Description SCPC Agenda June 2021

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Mineral Resource Land Use Policies and Development Regulations
Index # - File Name: 0008_Herald_Affidavit_20210622.pdf

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Mon-Fri 8AM-5PM

**Snohomish County
PLANNING COMMISSION
PLANNING & DEVELOPMENT SERVICES**

REGULAR (Remote) MEETING AGENDA
Snohomish County Planning Commission
June 22, 2021
5:30 PM
Join the Zoom Meeting:
<https://zoom.us/j/91774106168>
or call (253) 215-8782
Meeting ID: 917 7410 6168

For access to supporting documents reviewed by the Planning Commission, visit our website at <http://www.snohomishcountywa.gov> and enter "Planning Commission" in the search box.

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The Daily Herald, a division of Sound Publishing, Inc., a leading multimedia company in the Puget Sound region, is accepting applications for an excellent advertising sales professional to join our high-performing team.

The ideal candidate will identify, qualify and sell all digital, social, email, audio and print advertising solutions to businesses in Snohomish County. We are looking for a high energy individual with a positive attitude, willingness to work hard, brings a consultative sales approach, and the desire to succeed.

The position requires growing an established client base and bringing in new prospective advertisers on behalf of The Daily Herald and Sound Publishing. Our sales team offers up-to-date, innovative advertising solutions to meet our customers' needs. On-going training is provided to make sure you are the expert our business community deserves.

Successful candidates will possess clear written and verbal skills, be organized and capable of multitasking, have the willingness to provide excellent customer service and be internet and computer savvy.

Found
Probate Notices

FOUND: RING Turned in April 7, 2021. Case #DD21-31153. Will need to describe in detail to prove ownership. Contact Everett Police if yours. 425-257-7474

No. 21-4-00946-31
NON PROBATE NOTICE TO CREDITORS (RCW 11.42.030) (NTRCD)
IN THE SUPERIOR COURT OF WASHINGTON FOR SNOHOMISH COUNTY
IN RE THE ESTATE OF RENA SUE SEYMOUR, DECEASED.
The notice agent named below has elected to give notice to creditors of the above-named decedent. As of the date of the filing of a copy of this notice with the court, the notice agent has no knowledge of any other person acting as notice agent or of the appointment of a personal representative of the decedent's estate in the state of Washington. According to the records of the court as are available on the date of the filing of this notice with the court, a cause number regarding the decedent has not been issued to any other notice agent and a personal representative of the decedent's estate has not been appointed.
Any person having a claim against the decedent must, before the time the claim would be barred by any otherwise applicable statute of limitations, present the claim in the manner as provided in RCW 11.42.070 by serving on or mailing to the notice agent or the notice agent's attorney at the address stated below a copy of the claim and filing the original of the claim with the court in which the notice agent's declaration and oath were filed. The claim must be presented within the later of: (1) Thirty days after the notice agent served or mailed the notice to the creditor as provided under RCW 11.42.020(2)(c); or (2) four months after the date of first publication of this notice. If the claim is not presented within this time frame, the claim is forever barred, except as otherwise provided in RCW 11.42.050 and 11.42.060. This bar is effective as to claims against both the decedent's probate and non-probate assets.
Date of First Publication: June 12, 2021.
Notice Agent:
Surenra Israel
Address for Mailing or Service:
612 107th Pl. S.E.,
Everett, WA 98208
Court of Notice Agent's oath and declaration and cause number: Snohomish County Superior Court for the State of Washington under Cause No. 21-4-00946-31
The notice agent declares under penalty of perjury under the laws of the state of Washington on this 6th day of June, 2021, at Everett, Washington, that the foregoing is true and correct.
SURENRA ISRAEL,
Notice Agent
Published: June 12, 19, 26, 2021.
EDH929859

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LEGAL NOTICE

- A. CALL TO ORDER, ROLL CALL, AND AGENDA REVIEW
- B. APPROVAL OF MINUTES
- C. STATUS OF PAST RECOMMENDATIONS AND FUTURE AGENDA ITEMS
- D. UNFINISHED BUSINESS

- Length of time for oral testimony**
Commissioners will discuss the length of time for oral testimony.
- 2021 County-initiated Comprehensive Plan Amendments: Hearing**
Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org
The Planning Commission will hold a public hearing on the annual consideration of county-initiated amendments to the GMA comprehensive plan according to the requirements of Chapter 30.73 SCC. The 2021 package of proposed amendments consist of:
GPP21-3 – Technical Corrections
The 2021 Technical Corrections consist of amendments to maps 1, 2, 4, and 5 of the General Policy Plan (GPP) to recognize properties that are no longer under county jurisdiction due to municipal annexations.
3. **Final Docket XX: Hearing**
Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org
Terri Strandberg, PDS Principal Planner, 425-262-2359, terri.strandberg@snoco.org

The Planning Commission will hold a public hearing on Final Docket XX which consists of four docket proposals to amend the GMA comprehensive plan and implementing zoning according to the requirements of Chapter 30.74 SCC. Public comments will be accepted on the Final Docket XX proposals and on the Draft Supplemental Environmental Impact Statement (DSEIS) prepared by Planning and Development Services and the Department of Public Works on the Winde (SW6) docket proposal. The DSEIS comment period ends at 5:00 p.m. on Wednesday, July 7, 2021.

- Olympic View Water and Sewer District (CFP1) – Amend the Capital Facilities Plan of the GMACP to identify Olympic View as the sewer provider to the Point Wells site and approve a 2019 amendment to Olympic View's 2007 comprehensive sewer plan to include the Point Wells site.
- Edward Tokarz (SW5) – Amend the Future Land Use (FLU) map of the General Policy Plan (GPP) to redesignate .72 acres in the Southwest Urban Growth Area (SWUGA) from Urban Medium Density Residential (UMDR) to Urban High Density Residential (UHDR) and rezone from R-8,400 to Multiple Residential (MR).
- Tom Winde et al. (SW6) – Amend the FLU map of the GPP to:
 - (Option 1) Redesignate 19.96 acres in the SWUGA from Urban Low Density Residential (ULDR) to UHDR and rezone from R-7200 to MR; or
 - (Option 2) Redesignate 19.96 acres in the SWUGA from ULDR to UMDR and rezone from R-7200 to Low Density Multiple Residential (LDMR).
- Mary Thomas (SW7) – Amend the FLU map of the GPP to redesignate 6.6 acres in the SWUGA from ULDR to Urban Commercial and rezone from R-7200 to Community Business

4. County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions: Hearing
Mitchell Brouse, PDS Senior Planner, 425-388-5127, mitchell.brouse@snoco.org

The Planning Commission will hold a public hearing on a County Council referred proposal to amend the portions of the Snohomish County Growth Management Act (GMA) Comprehensive Plan General Policy Plan (GPP) and Snohomish County Code (SCC) Title 30 related to the designation and exhaustion of mineral lands. The proposal was referred by Motion No. 21-124 and includes: (1) amendments to the GPP related to the transition of mine sites to post extractive uses; (2) amendments to the Mineral Resource Lands Map (Map 2); (3) amendments to SCC related to mineral lands and the exhaustion of mining operations; and (4) site specific rezones.

- E. NEW BUSINESS
- F. ADJOURN

PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:
At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

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AMERICANS WITH DISABILITIES ACT NOTICE

County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions

Referred by Motion No. 21-124

Snohomish County Planning Commission

May 25, 2021



Overview

- Proposal Overview
- Mineral Lands Background
- Proposal Objectives
- Proposal Amendments
 - Proposed Policy Amendments
 - Proposed Code Amendments



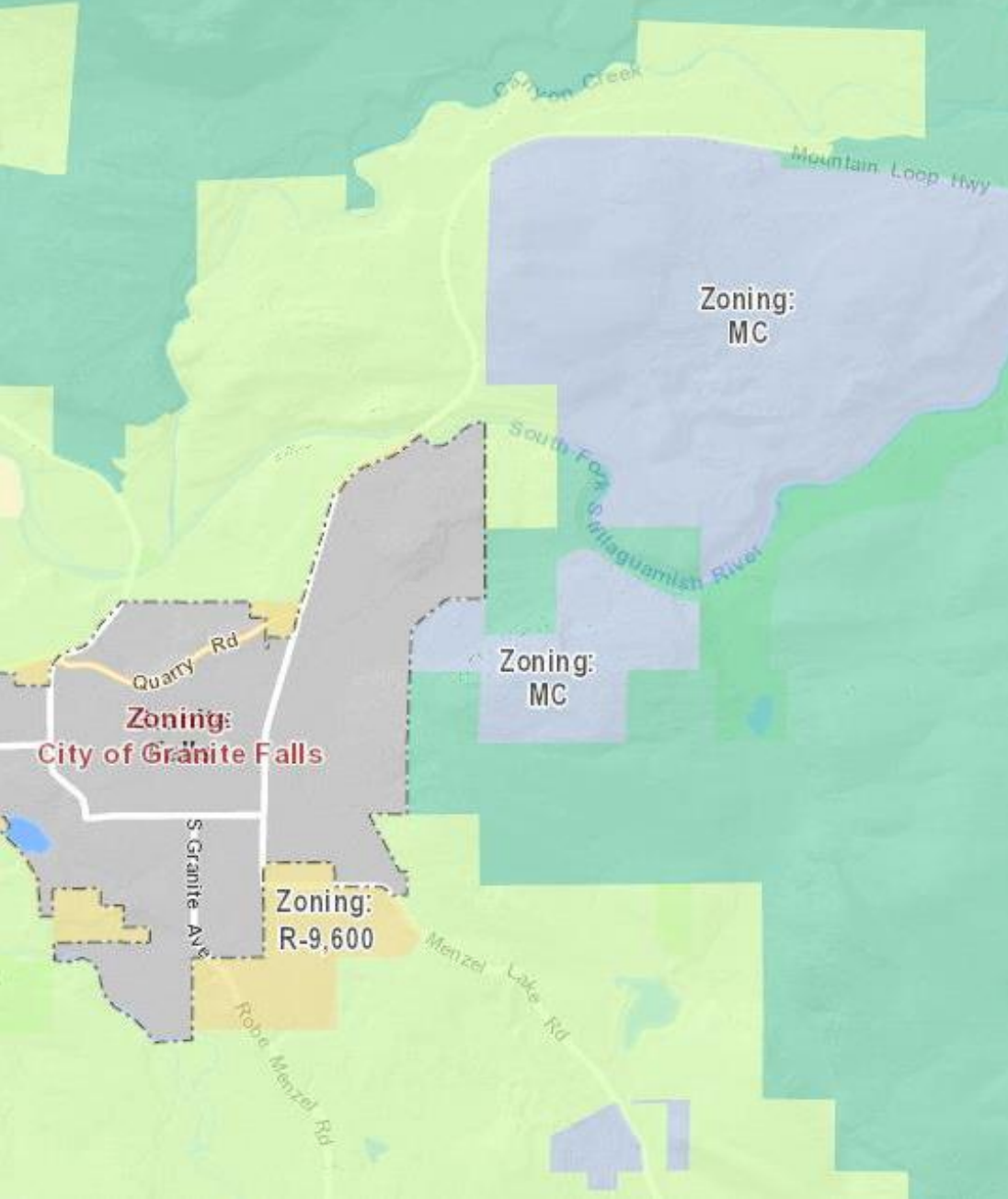
Proposal Overview

- Motion No. 21-124
- Council referred proposal includes:
 - Amendments to Land Use Chapter of the Comprehensive Plan;
 - Amendments to the Mineral Lands Map and FLUM;
 - Site-specific rezones; and
 - Amendments to Snohomish County Code Title 30.



Mineral Lands

- Mineral Resource Lands of Long-Term Commercial Significance
 - RCW 36.70A.050 and 26.70A.170 and WAC 365-190-070 and 365-196-480
- Areas Designated as Mineral Lands:
 - Are in the County's jurisdiction
 - Are not identified for intensive urban development
 - Are located in undeveloped, low-density rural, or forest areas
 - Meet specific criteria for volume, quality, and extractability



Mineral Lands Designations

Two classifications:

- Mineral Resource Overlay (MRO)
- Mineral Conservation Zone (MC)

Mineral Land Areas:

- MRO only: ~127,800 acres
- MC zone only: ~430 acres
- Both MRO and MC: ~2,300 acres



SNOHOMISH COUNTY
GMA COMPREHENSIVE PLAN
MINERAL
RESOURCE LANDS
 MINERAL RESOURCE OVERLAY (MRO)
 EFFECTIVE DATE: 01-09-2021



Snohomish County

SNOHOMISH COUNTY DATA and MAP DISCLAIMER

All maps, data, and information set forth herein ("Data"), are for illustrative purposes only and are not to be considered an official citation to, or representation of, the Snohomish County Code. Amendments and updates to the Data, together with other applicable County Code provisions, may apply which are not depicted herein. Snohomish County makes no representation or warranty concerning the content, accuracy, currency, completeness or quality of the Data contained herein and expressly disclaims any warranty of merchantability or fitness for any particular purpose. All persons accessing or otherwise using this Data assume all responsibility for use thereof and agree to hold Snohomish County harmless from and against any damages, loss, claim or liability arising out of any error, defect or omission contained within said Data. Washington State Law, Ch. 42-56 RCW, prohibits state and local agencies from providing access to lists of individuals intended for use for commercial purposes and, thus, no commercial use may be made of any Data comprising lists of individuals contained herein.

Parcel lines and designation boundaries are adjusted to the Snohomish County Assessor Integrated Land Records Parcel Data Base as of March 2013.

This map is a graphic representation applied from the Snohomish County Geographic Information System. It does not represent survey accuracy. This map is based on the best available information as of the date shown on the map.

For the purposes of land use application review, final determination of future land use designations will be made by the County during the review process.

SNOHOMISH COUNTY



- Bedrock Deposits (110,058 Acres)
- Sand and Gravel Deposits (19,905 Acres)
- Areas Not Inventoried
- Incorporated City Boundary
- County Boundary
- Urban Growth Area Boundary
- Tulalip Indian Reservation Boundary
- The Consolidated Borough of Quil Ceda Village
- Stillaguamish Indian Reservation Boundary
- Railway
- Arterial Roadway
- Freeway
- Watercourses**
- Type "S"
- Type "F"
- Types "Np" and "Ns"
- Waterbody



Mt. Baker-Snoqualmie National Forest
 NOT INVENTORIED

Urban Southwest County
 NOT INVENTORIED

Permitting and Transition to Post-Extractive Uses

- Permits required prior to extraction:
 - DNR issued reclamation permit
 - County issued CUP or ACUP

Comp Plan requirements:

- LU-9.A.13 requires that the MRO be removed before any post-extraction use begins, and
- The MRO cannot be removed until the reclamation permit is "cancelled" by the DNR (certified as restored).



Land Use Policy 9.A.13

The county shall remove, by amendment of the comprehensive plan, the mineral resource land designation of any mineral site certified as restored by the Washington Department of Natural Resources. If the mineral site lies 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.

Mineral Extraction Sequence of Events

1. DNR and County permitting prior to any extraction activities
 2. Active mining
 3. Mineral resources approach depletion
 4. Mineral resources become depleted and mining ceases
- ...



Mineral Extraction Sequence of Events (cont.)



...

5. Grading and reclamation in accordance reclamation permit
6. DNR cancels the reclamation permit and county vacates permits
7. Site is vacated
8. Landowner applies to have MRO removed
9. County approves MRO removal
10. Landowner applies for development permits
11. Grading for development begins
12. Construction on post extractive development begins



Mineral Extraction Sequence of Events (cont.)

...

5. Grading and reclamation in accordance reclamation permit
6. DNR cancels the reclamation permit and county vacates permits
7. Site is vacated
8. Landowner applies to have MRO removed
9. County approves MRO removal ← 
10. Landowner applies for development permits
11. Grading for development begins ← 
12. Construction on post extractive development begins

**Administrative
Delay**



Proposal Objectives

- Amend the sequence of events:
 - Remove/limit administrative delay
 - Potentially remove the need to grade sites twice
- Allow the use of a development agreement to plan for the transition to post-extractive uses.
- Classify all mineral lands as MRO



Proposal Objectives - Amended Sequence

1. DNR and County permitting prior to any extraction activities
2. Active mining
3. Mineral resources approach depletion
4. Development agreement between the county and the landowner
5. Mineral resources become depleted and mining ceases
6. Grading and reclamation in accordance reclamation permit and development agreement

...

Proposal Objectives - Amended Sequence

...

7. DNR cancels the reclamation permit and county vacates permits
8. Landowner applies to have MRO removed
9. County approves MRO removal
10. Landowner applies for development permits
11. Construction on post extractive development begins



Proposed Policy Updates



Amend Land Use Policy 9.A.13

The county shall remove (~~(, by amendment of the comprehensive plan,))~~ the mineral resource land designation of mineral sites for which reclamation permits have been cancelled by (~~(any mineral site certified as restored by))~~ the Washington Department of Natural Resources and that no longer meet mineral resource land designation criteria. If the mineral site lies 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.

New Land Use Policy 9.A.14

For active mineral sites that are approaching depletion of commercially-significant mineral resources and that will no longer meet mineral resource land designation criteria at the completion of mining, the county should work proactively to provide for an orderly and efficient transition from active mining into post-extraction uses. The county may enter into development agreements to comprehensively plan for this transition, subject to the following:

- a. Development agreements shall prohibit final subdivision or issuance of building permits until commercially-significant mineral resources are depleted on the site and the Washington State Department of Natural Resources has cancelled all reclamation permits on the site.
- b. Where lands adjacent or nearby the site addressed by the development agreement are designated mineral resource land, provisions of the development agreement shall be compatible with future mineral extraction activities on the adjacent or nearby lands.



Amend Land Use Policy 9.B.2

The county shall prohibit residential subdivision where the MRO coincides with a 5-acre rural residential designation, although development agreements may provide for a transition to post-extractive uses under LU Policy 9.A.14. Where the MRO covers only a portion of a rural 5-acre designated parcel, the parcel may be subdivided provided that:

- a. minimum lot size requirements can be met according to underlying zoning;
- b. rural cluster subdivision is used; and
- c. the portion of the property having the MRO overlay shall be preserved for future mineral resource use by adequate buffers, setbacks and open space.

Proposed Code Updates



Add: SCC 30.32C.250 Transition to Post-Extractive Uses

- 1) Sites with an active Conditional Use Permit or Administrative Conditional Use Permit issued pursuant to this chapter that are approaching depletion of all commercially significant mineral resources on the site may enter into a development agreement under chapter 30.75 SCC to address reclamation and transition into post-extractive uses.
- 2) Development agreements under subsection (1) may allow grading, utility installation, landscaping, and other necessary components of the development not inconsistent with ongoing mining to occur upon approval but will prohibit final subdivision approval and issuance of any building permit not directly related to mining operations until the completion of surface mining as defined by RCW 78.44.031(2) on the site.



Other Code Amendments

- Repeal the MC Zone (repeal Chapter 30.31D SCC)
- Relocate all applicable standards from Chapter 30.31D to 30.32C SCC
- Correct all references to Chapter 30.31D SCC
- Delete references to the MC zone
- Add new definitions to Chapters 30.91A and 30.91D SCC:
 - Approaching Depletion
 - Depletion

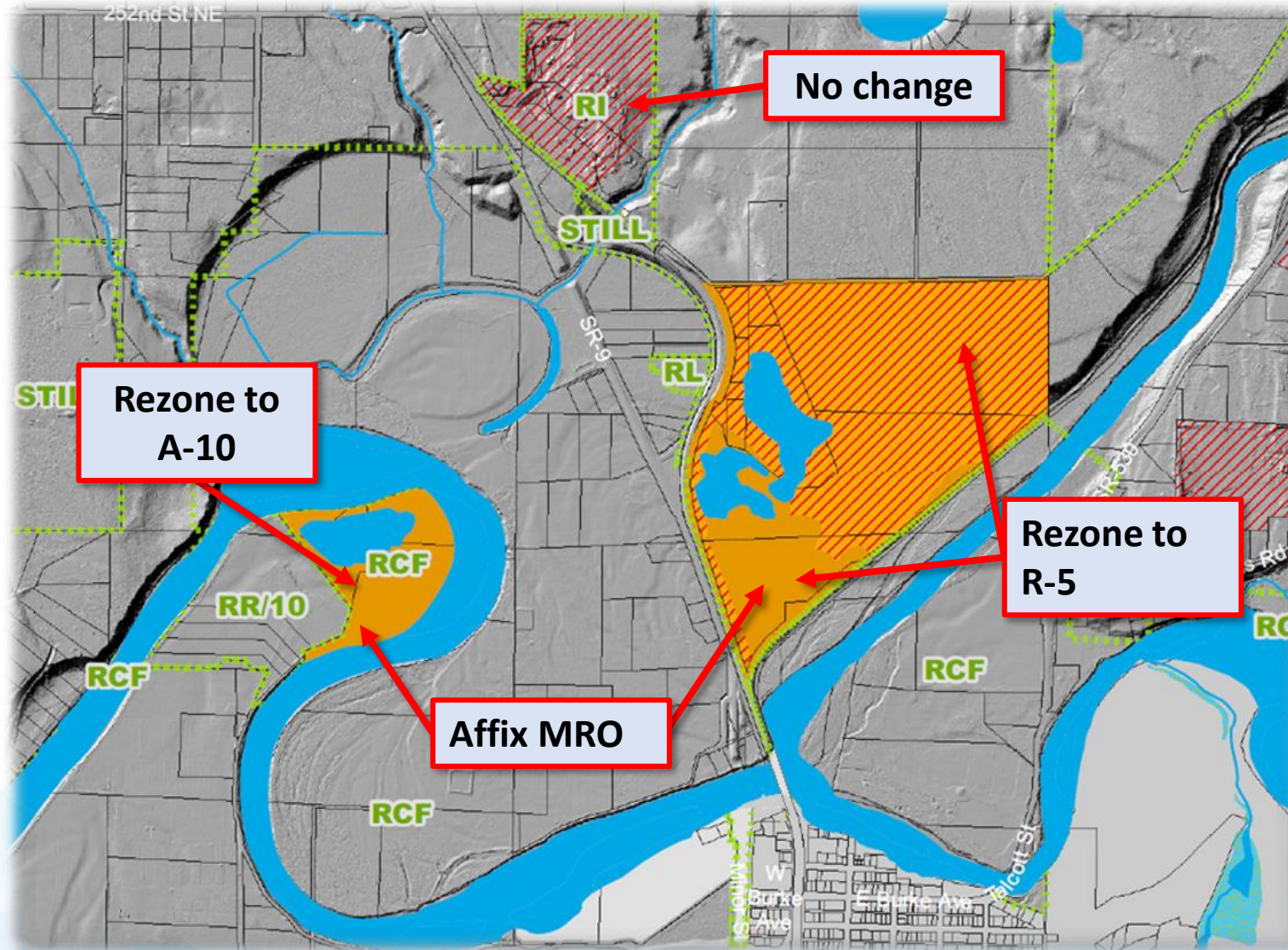


MRO Amendments and Rezones

- Affix the MRO to all MC parcels
- Rezone 87 MC parcels to:
 - Agricultural 10 acre (A-10)
 - Forestry (F)
 - Rural 5-acre (R-5)
- Pursuant to SCC 30.73.050(2): The County is required to mail notice of the Planning Commission public hearing to:
 1. Each taxpayer of record and known site address within the area proposed for a zoning change; and
 2. Those properties within 1,000 feet of the area proposed for a zoning change.



MRO and Rezone Example



PDS Recommendation

- Hold a public hearing on this County Council referred proposal on June 22, 2021.



Questions?

Mitchell Brouse

Senior Planner

Planning & Development Services

mitchell.brouse@snoco.org

(425) 388-5127



Snohomish County



Snohomish County

**PLANNING COMMISSION
PLANNING & DEVELOPMENT SERVICES**

3000 Rockefeller Avenue, M/S #604, Everett, WA 98201
Clerk Email: megan.moore@snoco.org

**REGULAR SESSION
JUNE 22, 2021
MINUTES**

A. CALL TO ORDER, ROLL CALL, AND AGENDA REVIEW

Commissioner Robert Larsen, Planning Commission Chair, called the meeting to order at 5:31 p.m. Of the nine (9) currently appointed commissioners, nine (9) were in attendance (a quorum being six (6) members and a majority being six (6) members):

Merle Ash
Leah Everett
Mark James

James Kamp
Robert Larsen
Keri Moore

Tom Norcott
Neil Pedersen
Raymond Sheldon

David Killingstad Planning and Development Services (PDS), Manager, served as Planning Commission Secretary for this meeting.

B. APPROVAL OF MINUTES

The minutes of [May 25, 2021](#) were unanimously approved.

C. STATUS OF PAST RECOMMENDATIONS AND FUTURE AGENDA ITEMS

David Killingstad reviewed anticipated topics for upcoming Planning Commission meetings and the status of past recommendations. He also informed the Commissioners that a joint meeting with the Tulalip Tribes Planning Commission is being scheduled for September 22, 2021. This meeting is likely to be held in-person.

- [Report on Recent Snohomish County Planning Commission Activities](#)
- [Upcoming Planning Commission Meeting Topics](#)

D. UNFINISHED BUSINESS

1. Length of time for oral testimony

Commissioners discussed the length of time for oral testimony. Chair Larsen shared that he and Vice Chair Norcott met with Planning and Development Services (PDS) Manager, David Killingstad, PDS Director Mike McCrary, and Commission Clerk Megan Moore to discuss time for oral testimony and three minutes being the standard at surrounding counties they recommend keeping testimony time to three (3) minutes for public comment and five (5) minutes for a representative of a group.

2. 2021 County-initiated Comprehensive Plan Amendments: Hearing

Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org



Snohomish County
PLANNING COMMISSION
PLANNING & DEVELOPMENT SERVICES

Steve Skorney briefly discussed each of the 2021 county-initiated plan amendments. The Planning Commission held a public hearing on the annual consideration of county-initiated amendments to the Growth Management Act Comprehensive Plan (GMACP) according to the requirements of Chapter 30.73 Snohomish County Code. The GPP21-3 Technical Corrections 2021 package of proposed amendments consisted of amendments to maps 1, 2, 4, and 5 of the General Policy Plan (GPP) to recognize properties that are no longer under county jurisdiction due to municipal annexations.

After the presentation the Commissioners had no comments or questions.

Commissioner Larsen opened the **Public Hearing at 5:48 p.m.** for the GPP21-3 Technical Corrections.

No one commented at the public hearing.

The **Public Hearing was closed at 5:48 p.m.**

After the hearing the Commissioners had no questions or comments and were asked to make a motion.

A **Motion** was made by Commissioner Norcott and seconded by Commissioner Everett recommending **approval** of the GPP21-3 Technical Corrections.

VOTE (Motion):

9 in favor (*Ash, Everett, James, Kamp, Larsen, Moore, Norcott, Pederson, and Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Presentation dated June 22, 2021](#)
- [GPP21-3 Tech Corrections Staff Recommendation dated June 4, 2021](#)
- [Presentation dated May 25, 2021](#)
- [Briefing Staff Report dated May 7, 2021](#)

3. Final Docket XX: Hearings

Steve Skorney, PDS Senior Planner, 425-262-2207, steve.skorney@snoco.org

Terri Strandberg, PDS Principal Planner, 425-262-2359, terri.strandberg@snoco.org

Jay Larson, Transportation Planning Coordinator, 425-388-3614, jay.larson@co.snohomish.wa.us

The Planning Commission held a public hearing on each Final Docket XX item which consisted of four docket proposals to amend the Growth Management Act Comprehensive Plan (GMACP) and implement zoning according to the requirements of Chapter 30.74 Snohomish County Code (SCC).

3.1 Olympic View Water and Sewer District (CFP1) Hearing – Terri Strandberg presented and gave a few comments and clarifications to the Planning Commission regarding the amendment to the Capital Facilities Plan of the GMACP to identify Olympic View as the



Snohomish County

**PLANNING COMMISSION
PLANNING & DEVELOPMENT SERVICES**

sewer provider to the Point Wells site and approve a 2019 amendment to Olympic View's 2007 comprehensive sewer plan to include the Point Wells site.

After the presentation the Commissioners had no questions or comments but did clarify the specific motion for the proposal.

Commissioner Larsen opened the **Public Hearing at 6:00 p.m.** for the Docket XX proposal Olympic View Water and Sewer District (CFP1).

One (1) written comment was received by the Planning Commission from the public before the June 22, 2021 hearing. One (1) member of the public commented at the public hearing.

The **Public Hearing was closed at 6:04 p.m.**

After the hearing the Commissioners had no questions or comments and were asked to make a motion.

A **Motion** was made by Commissioner James and seconded by Commissioner Norcott recommending **approval** for Olympic View Water and Sewer District (CFP1) proposal as recommended by staff.

VOTE (Motion):

8 9 in favor (*Ash, Everett, James, Kamp, Larsen, Moore, Norcott, Pederson, and Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Presentation dated June 22, 2021](#)
- [Presentation dated May 25, 2021](#)
- [Olympic View Water and Sewer District Briefing Staff Report dated May 7, 2021](#)

3.2 Edward Tokarz (SW5) Hearing – Steve Skorney gave a presentation regarding the proposed rezone of .72 acres in the Southwest Urban Growth Area (SWUGA) from Urban Medium Density Residential (UMDR) to Urban High Density Residential (UHDR) and rezone from R-8,400 to Multiple Residential (MR). The proposal is consistent with the Growth Management Act (GMA), Multicounty Planning Policies (MPP), Countywide Planning Policies (CPP), and the General Policy Plan (GPP).

After the presentation the Commissioners clarified that the proposal is for a rezone only, and that no project has been planned at this time.

Commissioner Larsen opened the **Public Hearing at 6:11 p.m.** for the Docket XX proposal Edward Tokarz (SW5).

One (1) written comment was received by the Planning Commission from the public before the June 22, 2021 hearing. One (1) member of the public commented at the public hearing.



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The **Public Hearing was closed at 6:14 p.m.**

After the hearing the Commissioners deliberated on the location, the infrastructure of the area including traffic, street conditions, and parking requirements and appropriateness of the rezone.

A **Motion** was made by Commissioner Ash and seconded by Commissioner Everett recommending **approval** for the Edward Tokarz (SW5) proposal as recommended by staff.

VOTE (Motion):

8 9 in favor (*Ash, Everett, James, Kamp, Larsen, Moore, Norcott, Pederson, and Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Presentation dated June 22, 2021](#)
- [SW5 Tokarz Docket XX Staff Recommendation dated June 4, 2021](#)
- [Tokarz SW5 Aerial final](#)
- [Tokarz SW5 FLU final](#)
- [Tokarz SW7 Zoning final](#)
- [Presentation dated May 25, 2021](#)
- [Edward Tokarz Briefing Staff Report dated May 7, 2021](#)

- 3.3 Tom Winde et al. (SW6) Hearing – Steve Skorney and Jay Larson presented on the proposed options to amend the Future Land Use Map of the General Policy Plan to:
- (Option 1) Redesignate 19.96 acres in the SWUGA from Urban Low Density Residential (ULDR) to UHDR and rezone from R-7,200 to MR; or
 - (Option 2) Redesignate 19.96 acres in the SWUGA from ULDR to UMDR and rezone from R-7,200 to Low Density Multiple Residential (LDMR).

After the presentation Commissioner Pedersen commented on the Draft EIS, the timing of the Docket XX SW6 request, and possible changes for traffic management in the future.

Commissioner Larsen opened the **Public Hearing at 7:15 p.m.** for the Docket XX proposal Tom Winde et al. (SW6).

Eight (8) written comments were received by the Planning Commission from the public before the June 22, 2021 hearing. Thirteen (13) members of the public commented at the public hearing.

The **Public Hearing was closed at 7:51 p.m.**

After the hearing the commissioners deliberated on the SW6 proposal. Chief points of the deliberations included the multiple viewpoints of the decision, the need for additional housing options, the possibility of conditional approval contingent on road access, the projected growth of



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the county, traffic concerns, fire safety, and school capacity. The commissioners also commented on the timeline of the proposal and how to best mitigate the concerns brought up during the hearing especially road capacity. They also clarified how to make a recommendation to County Council to approve an option, but with conditions.

A **Motion** was made by Commissioner Ash and seconded by Commissioner James recommending **approval** for Option 2 with conditions from the commissioners in accordance with recommendations made during deliberations and added comments from commissioners in the recommendation letter to County Council.

VOTE (Motion):

5 in favor (*Ash, James, Kamp, Larsen, Norcott*)

4 opposed (*Everett, Moore, Pedersen, Sheldon*)

0 abstention

Motion FAILED

Commissioners continued their deliberations and discussed possible outcomes of leaving the area as it is and the possible outcomes to the county for increased density.

A **Motion** was made by Commissioner Everett and seconded by Commissioner Sheldon to **deny** and to include summary of the findings and deliberations of the commissioners in the recommendation letter to County Council.

VOTE (Motion):

5 in favor (*Everett, Larsen, Moore, Pedersen, Sheldon*)

4 opposed (*Ash, James, Kamp, Norcott*)

0 abstention

Motion FAILED

Commissioners continued deliberations and clarified that the land could be redesignated to Urban Medium Density Residential and the zoning could remain R-7,200. Then a change in circumstances would need to be proven to have R-7,200 rezoned in the future.

A **motion** was made by Commissioner Ash and seconded by Commissioner James recommending to leave the zoning at R-7,200, and to redesignate the Future Land Use Map to Urban Medium Density Residential and to attach a summary of the deliberations to the recommendation letter to County Council.

VOTE (Motion):

8 in favor (*Ash, Everett, James, Kamp, Larsen, Moore, Norcott, Pederson, and Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Presentation dated June 22, 2021](#)
- [SW6 Winde Docket XX Staff Recommendation dated June 4, 2021](#)



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- [Winde SW6 Aerial final](#)
- [Winde SW6 FLU option 1 final](#)
- [Winde SW6 FLU option 2 final](#)
- [Winde SW6 Zoning option 1 final](#)
- [Winde SW6 Zoning option 2 final](#)
- [Presentation dated May 25, 2021](#)
- [Tom Winde et al. Briefing Staff Report dated May 7, 2021](#)
- [Draft Supplemental Environment Impact Statement – Winde \(SW6\)](#)

3.4 Marv Thomas (SW7) Hearing – Steve Skorney gave a presentation regarding the proposed redesignation of 6.6 acres in the Southwest Urban Growth Area from Urban Low Density Residential to Urban Commercial and the rezone from R-7,200 to Community Business. The proposal is consistent with the Growth Management Act (GMA), Multicounty Planning Policies (MPP), and Countywide Planning Policies CPP).

Commissioner Larsen opened the **Public Hearing at 9:04 p.m.** for the Docket XX proposal Marv Thomas (SW7).

One (1) written comment was received by the Planning Commission from the public before the June 22, 2021 hearing. One (1) member of the public commented at the public hearing.

The **Public Hearing was closed at 9:06 p.m.**

After the hearing there were no comments or questions from the Commissioners.

A **Motion** was made by Commissioner Norcott and seconded by Commissioner Everett recommending **approval** for the Docket XX proposal Marv Thomas (SW7) as recommended by staff.

VOTE (Motion):

9 in favor (*Ash, Everett, James, Kamp, Larsen, Moore, Norcott, Pederson, and Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Presentation dated June 22, 2021](#)
- [SW7 Thomas Docket XX Staff Recommendation dated June 4, 2021](#)
- [Thomas SW7 Aerial final](#)
- [Thomas SW7 FLU final](#)
- [Thomas SW5 Zoning final](#)
- [Presentation dated May 25, 2021](#)
- [Marv Thomas Briefing Staff Report dated May 7, 2021](#)

4. County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions: Hearing



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Mitchell Brouse, PDS Senior Planner, 425-388-5127, mitchell.brouse@snoco.org

Mitchell Brouse briefly reviewed and presented on a County Council referred proposal to amend the portions of the Snohomish County Growth Management Act Comprehensive Plan (GMACP) General Policy Plan (GPP) and Snohomish County Code (SCC) Title 30 related to the designation and exhaustion of mineral lands. The proposal was referred by Motion No. 21-124 and includes: (1) amendments to the GPP related to the transition of mine sites to post extractive uses; (2) amendments to the Mineral Resource Lands Map (Map 2); (3) amendments to SCC related to mineral lands and the exhaustion of mining operations; and (4) site specific rezones.

After the presentation the Commissioners had no questions or comments.

Commissioner Larsen opened the **Public Hearing at 9:19 p.m.** for the County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and code Provisions.

One (1) member of the public commented at the public hearing.
The **Public Hearing was closed at 9:20 p.m.**

After the hearing comments were given on code provisions concerning reclamation activities. Furthermore, clarification was given that development agreements allow for mitigation measures at long-term development sites.

A **Motion** was made by Commissioner Ash and seconded by Commissioner Norcott recommending **approval** on the for the County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions as recommended by staff.

VOTE (Motion):

8 9 in favor (*Ash, Everett, James, Kamp, Larsen, Moore, Norcott, Pederson, and Sheldon*)

0 opposed

0 abstention

Motion PASSED

For further information, please review the following:

- [Presentation dated May 25, 2021](#)
- [Briefing Staff Report dated May 7, 2021](#)

E. NEW BUSINESS

F. ADJOURN

This regular meeting was adjourned at 9:28 p.m.

[Planning Commission Main Website](#)



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PLANNING COMMISSION'S RANGE OF POSSIBLE ACTIONS:

At the conclusion of its public hearing, the County Planning Commission will consider transmitting a formal recommendation to County Council concerning adoption of the proposal. The Commission may make a recommendation to adopt or to not adopt the proposal. The Commission's recommendation may also propose amendments to the proposal. The Planning Commission is an advisory body and the final decision rests with the County Council.

PARTY OF RECORD / PUBLIC TESTIMONY:

You may become a party of record for any specific topic that comes before the Planning Commission by submitting a written request or testimony to Brandi Spores, Planning Commission Clerk, PDS, M/S 604, 3000 Rockefeller Avenue, Everett, WA 98201 or via email at Brandi.Spores@snoco.org.

WHERE TO GET COPIES OF DOCUMENTS AND WEBSITE ACCESS:

Please check www.snohomishcountywa.gov for additional information or the Snohomish County Department of Planning and Development Services, Reception Desk, 2nd Floor, County Administration Building-East, 3000 Rockefeller Avenue, Everett. For more information, call Brandi Spores, Planning Commission Clerk, at 425-388-3224.

AMERICANS WITH DISABILITIES ACT NOTICE:

Snohomish County facilities are accessible. The county strives to provide access and services to all members of the public. Sign language interpreters and communication materials in alternate form will be provided upon advance request of one calendar week. Contact Angela Anderson at 425-262-2206 Voice, or 425-388-3700 TDD

Snohomish County Planning Commissioners:

<i>Merle Ash, District 1</i>	<i>Vacant, District 4</i>
<i>Mark James, District 1</i>	<i>Neil Pedersen, District 4</i>
<i>Tom Norcott, District 2</i>	<i>James Kamp, District 5</i>
<i>Raymond Sheldon, Jr., District 2</i>	<i>Leah Everett, District 5</i>
<i>Robert Larsen, District 3</i>	<i>Keri Moore, Executive Appointee</i>
<i>Vacant, District 3</i>	

Commission Staff (from Planning and Development Services (PDS) Department):

<i>Mike McCrary, Commission Secretary</i>	<i>Megan Moore, Commission Clerk</i>
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EXHIBIT 2.0011

Planning Commission Meeting 06/22/21

Contact Clerk of the Council for recording at 425-388-3494 or contact.council@snoco.org

(Clerk Note: saved in G:\ECAF\Council Approved\2021\21-0664 Mineral Reasources\2.0011 – PC 20210622 Recording)



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

September 27, 2021

Snohomish County Council
County Administration Building
M/S 609, 3000 Rockefeller Avenue
Everett, WA 98201-4046

SUBJECT: Planning Commission Recommendation on County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions

Dear Snohomish County Council:

The Snohomish County Planning Commission is forwarding its recommendation on proposed County Council Referred Amendments to Mineral Lands Comprehensive Plan Policies and Code Provisions.

The proposal includes: (1) amendments to the GPP related to the transition of mine sites to post extractive uses; (2) amendments to the Mineral Resource Lands Map (Map 2); (3) amendments to SCC related to mineral lands and the exhaustion of mining operations; and (4) site specific rezones.

The Planning Commission held a briefing on the proposal on May 25, 2021 and conducted a public hearing on June 22, 2021, to review and take action on the proposed amendments.

After closing public testimony and concluding deliberations, the Planning Commission made the following recommendation to the Snohomish County Council:

- County Council referred Mineral Lands Amendments: Recommend APPROVAL [Motion to recommend approval passed 9-0 with no abstentions]

This recommendation was made after consideration of information presented during the public hearing process and is based on findings and conclusions recommended in the May 7, 2021, Planning and Development Services staff report.

Respectfully submitted,

Robert Larsen

Robert Larsen (Sep 27, 2021 08:55 PDT)

Robert Larsen, Chair

Snohomish County Planning Commission

Attachments: Draft minutes from the Planning Commission public hearing on June 22, 2021

cc: Dave Somers, Snohomish County Executive
Mike McCrary, Director, Planning and Development Services