

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

MOTION NO. 21-124

REFERRING PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP
REVISIONS RELATING TO MINERAL RESOURCE LAND POLICIES AND
REGULATIONS TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT
SERVICES AND SNOHOMISH COUNTY PLANNING COMMISSION

WHEREAS, the County Council wishes to obtain a recommendation from the Snohomish County Planning Commission regarding the attached proposed comprehensive plan, comprehensive plan map, zoning map, and code amendments; and

WHEREAS, the proposed plan, map, and code revisions are designed to address the efficient transition of mining sites from active mining into post-extraction uses by authorizing development agreements to comprehensively plan for such a transition while prohibiting final subdivision or the issuance of building permits until commercially-significant mineral resources are exhausted on the site and the Washington State Department of Natural Resources has cancelled all reclamation permits on the site and for provisions of a development agreement to be compatible with future mineral extraction activities nearby; and

WHEREAS, the plan, map, and code revisions are Type 3 legislative actions pursuant to Chapter 30.73 SCC; and

WHEREAS, SCC 30.73.040 provides that the planning commission shall hold a public hearing on a Type 3 proposal referred to it by the county council within 90 days or within a time specified by the County Council; and

WHEREAS, the County Council requests that the proposed plan, map, and code amendments be reviewed under a timeline permitting the comprehensive plan amendments to be considered as part of the 2021 batch of annual county-initiated comprehensive plan amendments;

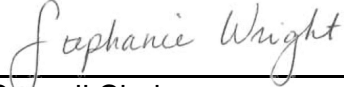
NOW, THEREFORE ON MOTION, the County Council hereby refers the proposed plan, map, and code amendments, attached as "Exhibit A", to the Department of Planning and Development Services (PDS) for action as follows:

1. Pursuant to chapters 2.08 and 30.73 SCC, the County Council refers the potential code revisions to the Director of PDS acting in the capacity of Secretary to the Snohomish County Planning Commission for its review, consideration, and a recommendation to the Council.

2. The County Council requests that a public hearing be held before the planning commission and a recommendation be provided to the County Council under a timeline permitting the proposal to be considered by the County Council as part of the 2021 batch of annual county-initiated comprehensive plan amendments.

DATED this 31st day of March, 2021.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



Council Chair

ATTEST:



Asst. Clerk of the Council

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

1 Adopted:
2 Effective:

3
4 SNOHOMISH COUNTY COUNCIL
5 Snohomish County, Washington

6
7 ORDINANCE NO. 21-____

8
9 RELATING TO GROWTH MANAGEMENT, AMENDING THE SNOHOMISH
10 COUNTY COMPREHENSIVE PLAN, ZONING MAP, AND CHAPTERS 30.22,
11 30.23, 30.25, 30.31D, 30.32C, 30.41C, 30.65, 30.66B, 30.67, AND 30.91E OF
12 THE SNOHOMISH COUNTY CODE TO REVISE MINERAL RESOURCE LAND
13 POLICIES AND DEVELOPMENT REGULATIONS
14

15 WHEREAS, counties that are required to plan under the Growth Management Act
16 (GMA), chapter 36.70A RCW, must ensure that their comprehensive plans and development
17 regulations are guided by the planning goals of RCW 36.70A.020 and must maintain and
18 enhance natural resource-based industries while processing permit applications in a timely and
19 fair manner to ensure predictability; and
20

21 WHEREAS, the central Puget Sound region’s Multicounty Planning Policies (MPPs),
22 adopted by the Puget Sound Regional Council, call for [protection of resource lands and fair and
23 efficient permitting]; and
24

25 WHEREAS, the Countywide Planning Policies (CPPs) for Snohomish County encourage
26 the County and cities to adopt comprehensive plan policies and implementing development
27 regulations that establish low intensities of development and uses and limit commercial and
28 industrial development in the rural area; and
29

30 WHEREAS, Snohomish County (“County”) is required to plan for growth under the GMA;
31 and
32

33 WHEREAS, as part of this planning requirement, the County has adopted a
34 comprehensive plan containing all elements required by the GMA; and
35

36 WHEREAS, a component of the County’s comprehensive plan is the General Policy
37 Plan (GPP) which, among other goals, calls for conserving mineral resource lands for mineral
38 extraction, minimizing detrimental effects of mineral extraction, and planning for the eventual
39 post-extractive use of mine sites; and
40

41 WHEREAS, on _____, 2021, the County Council referred, by Motion No. 20-____, a set
42 of proposed comprehensive plan and code amendments to the Snohomish County Planning
43 Commission (“Planning Commission”) for consideration and a recommendation back to the
44 County Council; and
45

46 WHEREAS, the Planning Commission was provided a briefing on _____, 2021, on the
47 comprehensive plan and code amendments referred by the County Council; and

ORDINANCE NO. 21-____
RELATING TO GROWTH MANAGEMENT, AMENDING THE
SNOHOMISH COUNTY COMPREHENSIVE PLAN, ZONING MAP,
AND CHAPTERS 30.22, 30.23, 30.25, 30.31D, 30.32C, 30.41C, 30.65,
30.66B, 30.67, AND 30.91E OF THE SNOHOMISH COUNTY CODE TO REVISE
MINERAL RESOURCE LAND POLICIES AND DEVELOPMENT REGULATIONS

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

1
2 WHEREAS, the Planning Commission held a public hearing on _____, 2021, and
3 received public testimony on the proposed comprehensive plan and code amendments
4 contained in this ordinance referred by the County Council; and

5
6 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning
7 Commission deliberated and voted to recommend _____ of the code amendments
8 referred by the County Council, as set forth in its recommendation letter dated _____, 2021; and
9

10 WHEREAS, on _____, 2021, the County Council held a public hearing,
11 after proper notice, and considered public comment and the entire record related to the code
12 and comprehensive plan amendments contained in this ordinance;

13
14 NOW, THEREFORE, BE IT ORDAINED:

15
16 Section 1. The County Council adopts the following findings:

- 17
18 A. The foregoing recitals are adopted as findings as if set forth in full herein.
19
20 B. The proposed amendments to the General Policy Plan (GPP) of the Snohomish County
21 Comprehensive Plan include:
22
23 (1) Revising the land use element, under Objectives 9.A and 9.B, to revise LU Policies
24 9.A.13 and 9.B.2 and to add a new policy. The new and revised policies address the
25 efficient transition of mining sites from active mining into post-extraction uses by
26 authorizing development agreements to comprehensively plan for such a transition
27 while prohibiting final subdivision or the issuance of building permits until commercially
28 significant mineral resources are depleted on the site and the Washington State
29 Department of Natural Resources has cancelled all reclamation permits on the site. The
30 new policy also calls for provisions of a development agreement to be compatible with
31 future mineral extraction activities nearby.
32
33 (2) Revising Map 2-Mineral Resource Lands to affix the Mineral Resource Overlay to all
34 areas currently zoned Mineral Conservation.
35
36 C. The proposed Snohomish County Zoning Map amendments rezone all areas zoned Mineral
37 Conservation to one of the three following zones, depending on the underlying designation
38 in the comprehensive plan future land use map: Agriculture-10 Acre (A-10), Forestry (F), or
39 Rural 5-Acre (R-5).
40
41 D. The proposed amendments to Title 30 SCC include:
42
43 (1) Revising SCC 30.22.110, 30.22.130, 30.23.030, 30.23.045, 30.41C.020, and
44 30.41C.090 to delete references to the Mineral Conservation zone.
45
46 (2) Revising SCC 30.22.110-Rural and Resource Zone Use Matrix to add Excavation &
47 Processing of Minerals as an allowed use, with a Conditional Use Permit or

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

1 Administrative Conditional Use Permit, when the Mineral Resource Overlay overlaps the
2 A-10 zone. This change is intended to allow mining to continue operating on twelve
3 parcels currently zoned MC that have a future land use map designation or Local
4 Commercial Farmland and Riverway Commercial Farmland and would be rezoned by
5 this ordinance to the implementing zone of A-10. Mining would continue to be prohibited
6 on lands zoned A-10 without a Mineral Resource Overlay.
7

8 (3) Revising SCC 30.23.040 to revise the applicability of reference notes #31 and #32 from
9 the MC zone only to all zones and revising SCC 30.23.045 to add language specifying
10 that #32 only applies to mineral excavation and processing (reference note #31 already
11 defines that applicability).
12

13 (4) Repealing Chapter 30.31D SCC and relocating all sections therein to Chapter 30.32C.
14

15 D.1.a.4.1. SCC 30.31D.010 (Purpose and applicability) is combined with SCC
16 30.32C.010 (Purpose and applicability).

17 D.1.a.4.2. SCC 30.31D.020 is moved, intact, to SCC 30.32C.020.

18 D.1.a.4.3. SCC 30.31D.030 is moved, intact, to SCC 30.32C.030.

19 D.1.a.4.4. SCC 30.31D.040 is moved, intact, to SCC 30.32C.040.

20 D.1.a.4.5. SCC 30.31D.100 is moved, intact, to replace SCC 30.32C.100 (which is
21 rendered moot by combining Chapter 30.31D SCC with Chapter 30.32C SCC and
22 repealed).

23 D.1.a.4.6. SCC 30.31D.120 is moved, intact, to SCC 30.32C.120.

24 D.1.a.4.7. SCC 30.31D.130 is moved, intact, to SCC 30.32C.130.

25 D.1.a.4.8. SCC 30.31D.135 is moved, intact, to SCC 30.32C.135.

26 D.1.a.4.9. SCC 30.31D.140 is moved, intact, to SCC 30.32C.140.

27 D.1.a.4.10. SCC 30.31D.145 is moved, intact, to SCC 30.32C.145.

28 D.1.a.4.11. SCC 30.31D.150 is moved, intact, to SCC 30.32C.150.

29 D.1.a.4.12. SCC 30.31D.160 is moved, intact, to SCC 30.32C.160.

30 D.1.a.4.13. SCC 30.31D.210 is moved, intact, to SCC 30.32C.210.

31 D.1.a.4.14. SCC 30.31D.220 is moved, intact, to SCC 30.32C.220.

32 D.1.a.4.15. SCC 30.31D.230 is moved, intact, to SCC 30.32C.230.

33 D.1.a.4.16. SCC 30.31D.240 is moved, intact, to SCC 30.32C.240.
34

35 (5) Revising the purpose and applicability of Chapter 30.32C in SCC 30.32C.010 to include
36 the orderly and efficient transition from active mining to post-extraction uses for sites
37 approaching, or at, depletion of commercially significant mineral resources.
38

39 (6) Renumbering SCC 30.32C.150 to SCC 30.32C.050, and revising the section to permit
40 residential subdivisions where the MRO coincides with the R-5 zone as provided by a
41 development agreement under the new SCC 30.32C.250.
42

43 (7) Adding a new section SCC 30.32C.250 to provide for the transition of mineral sites from
44 active mining to post-extraction uses through a development agreement. Such
45 development agreements may allow grading, utility installation, landscaping, and other
46 necessary components of the development not inconsistent with ongoing mining to occur
47 upon approval but will prohibit final subdivision approval and issuance of any building

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
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1 permit until the completion of surface mining as defined by 78.44.031(2) on the site.
2 “Approaching depletion” is defined as the point when, at current extraction rates, it will
3 reach depletion within five years. “Depletion” means that all mineral resources that are
4 commercially significant for extraction have been extracted. A mineral site may not be
5 considered depleted if it meets criteria for mineral resource overlay designation under
6 the comprehensive plan and under RCW 36.70A.050.
7

8 (8) Renumbering SCC 30.32C.200 to SCC 30.32C.300 and renumbering SCC 30.32C.210
9 to SCC 30.32C.310 to maintain organization of Chapter 30.32C SCC

10
11 (9) Revising 30.41C.020-Rural Cluster Subdivision Applicability to delete a reference to the
12 MC zone. Applicability of the chapter is maintained for the R-5 and F zone (two of the
13 three zones that this ordinance rezones former MC zones to). The A-10 zone (the third
14 zone that this ordinance rezones former MC zones to) does not allow rural cluster
15 subdivisions, but parcels being rezoned to A-10 through this proposal would not allow a
16 rural cluster subdivision either way because they are designated Local Commercial
17 Farmland and Riverway Commercial Farmland on the future land use map.
18

19 (10) Revising SCC 30.41C.075(4) and SCC 30.41C.090, which both address restricted open
20 space for rural cluster subdivisions. This Ordinance combines the restricted open space
21 provisions into SCC 30.41C.090 while maintaining a reference to that section in SCC
22 30.41C.075. Table 30.41C.090 becomes superfluous once the two sections are
23 combined and is deleted.
24

25 (11) Correcting cross-references in Chapters 30.22, 30.23, 30.25, 30.31D, 30.32C, 30.41C,
26 30.65, 30.66B, 30.67, and 30.91E SCC.
27

28 E. The code and comprehensive plan amendments are designed to facilitate a more efficient
29 transition of mining sites to post-extractive uses while continuing to protect the availability of
30 mineral resources within the county. Existing code and comprehensive plan requirements
31 impose an administrative delay between the completion of mining site reclamation work and
32 development associated with post-extractive uses beyond what is necessary to regulate
33 mining activity or ensure the protection of mineral resources.
34

35 F. The comprehensive plan, zoning map, and code amendments are consistent with the
36 requirements of the GMA and are guided by and supportive of the GMA planning goals
37 found in RCW 36.70A.020 including the goal of timely and predictable permits processing
38 (RCW 36.70A.020 (7)) and the goal of maintaining natural resource-based industries (RCW
39 36.70A.020(8)) – the code and comprehensive plan amendments will facilitate a more
40 efficient transition of mineral sites to post-extractive uses while protecting the availability of
41 mineral resources within the county.
42

43 G. The code and comprehensive plan amendments are consistent with and supportive of the
44 region’s Multicounty Planning Policies. Specific goals and policies relevant to and
45 supported by this ordinance include the following:
46

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

- 1 1. “Support the sustainability of designated resource lands. Do not convert these lands to
2 other uses.” (MPP-DP-42)
3
- 4 2. “Ensure that resource lands and their related economic activities are not adversely
5 impacted by development on adjacent non-resource lands.” (MPP-DP-43)
6
- 7 H. While the Multicounty Planning Policies call for avoiding the conversion of designated
8 resource lands, mineral resource lands present a special case because mineral resources
9 will in most cases eventually become depleted, at which point removal of the resource land
10 designation would be appropriate.
11
- 12 I. The code and comprehensive plan amendments are consistent with the Countywide
13 Planning Policies. CPP-ED-9, for instance, calls for city and county comprehensive plans to
14 preserve designated industrial, commercial, agricultural, and resource land base for long-
15 term regional economic benefit.
16
- 17 J. The comprehensive plan amendments are internally consistent with the Snohomish County
18 Comprehensive Plan. The code amendments are consistent with and supportive of the
19 Snohomish County Comprehensive Plan as amended by this ordinance, including the
20 following in particular:
21
 - 22 1. “Conserve mineral resource lands for mineral extraction, minimize the detrimental
23 effects of mineral extraction on the environment and other land uses, and plan for the
24 eventual post-extractive use of mine sites.” (Goal LU 9)
25
 - 26 2. “The county shall prohibit residential subdivision where the MRO coincides with a 5-
27 acre rural residential designation. Where the MRO covers only a portion of a rural 5-
28 acre designated parcel, the parcel may be subdivided provided that:
29 a. minimum lot size requirements can be met according to underlying zoning;
30 b. rural cluster subdivision is used; and
31 c. the portion of the property having the MRO overlay shall be preserved for
32 future mineral resource use by adequate buffers, setbacks and open space.”
33 (LU Policy 9.B.2)
34
 - 35 3. “Any subdivision of mineral resource land outside of 5-acre rural designations (e.g. 1
36 du/10 acres, 1 du/20 acres, or local forest) shall utilize site planning and design
37 opportunities, including rural cluster subdivisions, to retain the maximum amount of
38 land for potential mineral resource use. Open space provisions will preserve the
39 option for future mineral resource extraction.” (LU Policy 9.B.2)
40
 - 41 4. “Ensure that mining site approval does not preclude or inhibit the planned post-
42 extractive use of the mine site or the planned future use of adjacent lands.”
43 (Objective LU 9.F)
44
 - 45 5. ”Post-extractive uses should be identified, at the time of permitting, for mineral
46 resource lands that are consistent with adjacent and nearby comprehensive plan
47 designations. Where adjacent or nearby lands are designated mineral resource land,

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

- 1 the post-extractive use of the permitted site should be compatible with future mineral
2 extraction activities on the adjacent or nearby lands.” (Policy LU 9.F.1)
3
- 4 6. “The county shall pursue innovative reclamation plans in concert with private
5 landowners for the final conversion of exhausted mineral resource lands into
6 desirable uses (park land, open space, forest land, community lakes, etc.). Such
7 reclamation plans will be considered as favorable mitigations of the mining activity
8 during the county’s SEPA review process.” (Policy LU 9.F.3)
9
- 10 7. “Develop and maintain a regulatory system that is fair, understandable, coordinated
11 and timely.” (Objective ED 2.A)
12
- 13 8. “Snohomish County shall work to ensure that the Snohomish County Code is an
14 understandable, accessible, and user friendly document.” (Policy ED 2.A.1)
15
- 16 9. “Snohomish County should stress predictability but maintain enough flexibility in the
17 Comprehensive Plan and development codes to allow for timely response to
18 unanticipated and desirable developments.” (Policy ED 2.A.2)
19
- 20 10. “To ensure timeliness, responsiveness, and increased efficiency, the county shall
21 develop and maintain a program of periodic review of the permitting process to
22 eliminate unnecessary administrative procedures that do not respond to legal
23 requirements for public review and citizen input.” (Policy ED 2.A.3)
24
- 25 K. The amendments to the zoning map maintain consistency between the zoning map and the
26 Future Land Use Map and other elements of the Comprehensive Plan.
27
- 28 L. Procedural requirements.
29
- 30 1. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with
31 respect to this non-project action have been satisfied through the completion of an
32 environmental checklist and the issuance of a determination of non-significance on
33 [REDACTED], 2021.
34
- 35 2. The proposal is a Type 3 legislative action pursuant to SCC 30.73.010(3).
36
- 37 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance was
38 transmitted to the Washington State Department of Commerce for distribution to state
39 agencies on [REDACTED], 2021.
40
- 41 4. The public participation process used in the adoption of this ordinance has complied with
42 all applicable requirements, including but not limited to, RCW 36.70A.035 and .140,
43 chapter 30.73 SCC, and the Snohomish County Charter. This process provided for early
44 and continuous public participation in the development of the code amendments
45 proposed by this ordinance.
46

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

1 5. The Washington State Attorney General last issued an advisory memorandum, as
2 required by RCW 36.70A.370, in December 2015, entitled “Advisory Memorandum and
3 Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to
4 Avoid Unconstitutional Takings of Private Property” to help local governments avoid the
5 unconstitutional taking of private property. The process outlined in the State Attorney
6 General’s 2015 advisory memorandum was used by Snohomish County in objectively
7 evaluating the regulatory changes proposed by this ordinance.
8

9 Section 2. The County Council makes the following conclusions:

- 10
11 A. The proposal complies with all requirements of Washington State law and the County Code.
12
13 B. The proposal is consistent with the Multicounty Planning Policies.
14
15 C. The proposal is consistent with the Countywide Planning Policies.
16
17 D. The proposal is consistent with the goals, objectives, and policies of the Snohomish County
18 Comprehensive Plan.
19
20 E. The County complied with all SEPA requirements in respect to this non-project action.
21
22 F. The regulations proposed by this ordinance do not result in an unconstitutional taking of
23 private property for public purposes.
24
25 G. The County complied with state and local public participation requirements under the GMA
26 and chapter 30.73 SCC.
27

28 Section 3. The County Council bases its findings and conclusions on the entire record of
29 the County Council, including all testimony and exhibits. Any finding, which should be deemed
30 a conclusion, and any conclusion which should be deemed a finding, is hereby adopted as
31 such.
32

33 Section 4. The Land Use chapter of the General Policy Plan of the Snohomish County
34 Comprehensive Plan, last amended by Ordinance No.17-050 on October 4, 2017, is amended
35 as indicated in Exhibit A, which is attached hereto and incorporated by reference into this
36 ordinance.
37

38 Section 5. Map 2-Mineral Resource Lands of the Snohomish County Comprehensive
39 Plan, last amended by Ordinance No. 20-080 on December 16, 2020, is amended as indicated
40 in Exhibit B, which is attached hereto and incorporated by reference into this ordinance.
41

42 Section 6. The Snohomish County Official Zoning Map, last amended by Ordinance No.
43 18-060 on November 13, 2018, is amended as indicated in Exhibit C to this ordinance, which is
44 attached hereto and incorporated by reference into this ordinance.
45

46 Section 7. Snohomish County Code Section 30.22.110, last amended by Amended
47 Ordinance No. 19-021 on June 19, 2019, is amended to read:

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

*** NOTE: INSERT THE FULL USE MATRIX FOR FINAL VERSION***

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	A, C	((A, C))
Explosives, Storage	C	C	C				C	P	C		((C))
Up to 400 sq ft ⁹	P	P	P ^{100, 115}	P	P	P	P	P	P	P	((P))
401 - 5,000 sq ft ^{99, 100}	P	P	P, A ¹⁰⁰	P	P	P	P	P	P	P	
Forestry	P	P	P				P	P	P	P	((P))
Garage, Detached Private Accessory ⁶⁰											
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P		((P))
P - Permitted Use	A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130. Check other matrices in this chapter if your use is not listed above.										
A - Administrative Conditional Use											
C - Conditional Use											
S - Special Use											

Section 8. Snohomish County Code Section 30.22.130, last amended by Amended Ordinance No. 18-011 on March 21, 2018, is amended to read:

*** NOTE: INSERT THE FULL LIST OF REFERENCE NOTES FOR FINAL VERSION***

30.22.130 Reference notes for use matrices.

...
(28) *Excavation and Processing of Minerals.*

(a) This use, as described in SCC ((30.31D)) 30.32C.010(2), is allowed in the identified zones only where these zones coincide with the mineral lands designation in the

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
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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)) 30.32C.030.

(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.

Section 9. Snohomish County Code Section 30.23.030, last amended by Amended Ordinance No. 20-020 on June 24, 2020, is amended to read:

SCC 30.23.030 Rural, Resource, Urban (Non-Residential) and other zone categories - Bulk matrix.

Category	Zone	Max. Bldg. Height (ft) ^{27,64}	Lot Dimension (ft) ⁵⁴			Setback Requirements From: (ft) ^{11, 31}					
			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	Max. Lot Coverage ⁸
								Ag ²⁰	Forest ¹		
Resource	((MC ³⁴))		((10 ac ³²))				((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 sf ^{2,23}	100	100	5	5	50	100 ³⁰	25	35%
Rural	A-10 ^{37,40}	45	10 ac	none	none	5	5	50	100 ³⁰	25	none
	RRT-10	45	10 ac	225	225	5	5	50	100 ³⁰	25	35%
	R-5 ^{37,38,39,40,46}	45	200,000 sf ^{2,24}	165 ²⁴	165 ²⁴	5	5	50	100 ³⁰	25	35%
	RD ³⁸	45	200,000	165	165	5	5	50	100 ³⁰	25	35%
	RB	35	none	none	none	none	50	50	100	none	35%
	CRC	35 ⁴³	none	none	none	none	25	50	100	none	50% ⁴⁴ 30% ⁴⁵
	RFS	35	none	none	none	none	50	50	100	none	35%
	RI	50	none	none	none	none	100	100	100	none	35%
Other	SA-1 ^{37,39}	35	1 ac/43,560 sf	150	150	5	5	50	100	25	35%
	RC ^{37,38,39,40}	35	100,000 sf ²⁴	165 ²⁴	165 ²⁴	5	5	50	100 ³⁰	25	35%
	RU ^{37,39}	35	⁴¹	60	65	5	5	50	100	25	35%

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

Category	Lot Dimension (ft) ⁵⁴					Setback Requirements From: (ft) ^{11, 31}					
	Zone	Max. Bldg. Height (ft) ^{27,64}	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	Max. Lot Coverage ⁸
								Ag ²⁰	Forest ¹		
Category	R 20,000 ^{37,39}	25	20,000 sf	85	90	5	5	50	100	25	35%
	R12,500 ⁴⁰	30	12,500 sf	75	80	5	5	50	100	25	35%
	WFB	30	7,200 sf ²³	60	65	5	5	50	100	25	35%
Urban (Non-Residential)	FS	35	none	none	none	5/15 ¹⁶	25	none	100	none	none
	NB ¹	40 ¹⁴	none	none	none	none	10	none	100	none	65%
	PCB ¹	40 ¹⁴	none ¹⁹	none	none	none	10	none	100	none	none
	CB ¹	35 ¹⁴	none	none	none	none	10	none	100	none	50%
	GC ¹	45 ¹⁴	none	none	none	none	10	none	100	none	50%
	IP	65	none	none	none	none ¹⁷	25 ¹⁷	none	100	none	50%
	BP ¹	50	none ¹⁹	none	none	none	25	none	100	none	35%
	LI	50	none	none	none	none	50	none	100	none	none
	HI	65	none	none	none	none	50	none	100	none	none
UC ⁶³	90	none	none	none	none	See SCC 30.34A.040(2)	none	100	none	none	

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...

Section 10. Snohomish County Code Section 30.23.040, last amended by Amended Ordinance No. 20-020 on June 24, 2020, is amended to read:

*** NOTE: INSERT THE FULL LIST OF REFERENCE NOTES FOR FINAL VERSION ***

30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.

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(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)) 30.32C.SCC.

(32) **For mineral excavation and processing:** 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)) 30.32C.020(1).

...
(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)) 30.32C.050. 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.

Section 11. Snohomish County Code Section 30.23.045, added by Amended Ordinance No. 12-049 on October 3, 2012, is amended to read:

SCC 30.23.045 Setbacks from road network elements in Resource Zones.

Table 30.23.045 Setbacks from Road Network Elements in Resource Zones¹⁰
(All minimum setbacks are measured in feet)

Category	Zone	Minimum Setback For Structure					Minimum Setback to the Entrance of a Covered Parking Structure					
		Public Road		Private ^{1, 2}			Alley	Public Road		Private ^{1, 2}		Alley
		60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision or Binding Site Plan ³	Under 60 Feet ^{4, 5}	Private Road	Drive Aisle, Shared Court and Shared Driveway	60 Feet and Over and Under 60 Feet in a Recorded Subdivision, Short Subdivision or Binding Site Plan ³		Under 60 Feet ^{4, 5}	Private Road	Drive Aisle, Shared Court and Shared Driveway		
Resource	((MC ¹¹))	((50))	((80))	((50))	((0))	((0))	((50))	((80))	((50))	((20))	((4))	
	F ^{9, 11}	100	130	100	0	0	100	130	100	20	4	
	F&R ¹¹	20	50	20	0	0	20	50	20	20	4	
	A-10	20	50	20	0	0	20	50	20	20	4	

Section 12. Snohomish County Code Section 30.25.027, last amended by Amended Ordinance 05-083 on December 21, 2005, is amended to read:

SCC 30.25.027 Excavation and Processing of Minerals.

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

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1 planting screen at least 50 feet in width, in a location to be determined by the approval authority.
2 A planting screen shall be shrubs, bushes, or trees which shall be selected to be evergreen,
3 indigenous, fast-growing, compatible with the soil, and on the basis of size, form, and minimum
4 maintenance requirements. The planting screen shall be planted according to acceptable
5 practice in good soil, irrigated as necessary, and maintained in a good condition at all times at
6 the expense of the operator. A required view-obscuring planting screen shall be installed as a
7 yard improvement at or before the time excavation operations commence or within a reasonable
8 time as determined by the approval authority, giving due consideration of local planting
9 conditions. A view-obscuring fence may also be required by the department on the interior edge
10 of the planting screen and if required, shall satisfy the requirement of SCC
11 ((~~30.31D~~))30.32C.100(4).
12

13 **Section 13. Chapter 30.31D Snohomish County Code: MINERAL CONSERVATION**
14 **(MC) ZONE is repealed, including the following ordinances or parts of ordinances:**

- 15 (1) Snohomish County Code Section 30.31D.010, added by Amended Ordinance
16 05-083 on December 21, 2005
- 17 (2) Snohomish County Code Section 30.31D.020, added by Amended Ordinance
18 02-064 on December 9, 2002
- 19 (3) Snohomish County Code Section 30.31D.030, added by Amended Ordinance
20 05-083 on December 21, 2005
- 21 (4) Snohomish County Code Section 30.31D.040, added by Amended Ordinance
22 05-083 on December 21, 2005
- 23 (5) Snohomish County Code Section 30.31D.100, last amended by Amended
24 Ordinance 05-083 on December 21, 2005
- 25 (6) Snohomish County Code Section 30.31D.110, last amended by Amended
26 Ordinance 05-083 on December 21, 2005
- 27 (7) Snohomish County Code Section 30.31D.120, last amended by Amended
28 Ordinance 17-004 on May 10, 2017
- 29 (8) Snohomish County Code Section 30.31D.130, last amended by Amended
30 Ordinance 15-034 on September 2, 2015
- 31 (9) Snohomish County Code Section 30.31D.135, added by Amended Ordinance
32 05-083 on December 21, 2005
- 33 (10) Snohomish County Code Section 30.31D.140, last amended by Amended
34 Ordinance 05-083 on December 21, 2005
- 35 (11) Snohomish County Code Section 30.31D.145, last amended by Amended
36 Ordinance 05-083 on December 21, 2005
- 37 (12) Snohomish County Code Section 30.31D.150, added by Amended Ordinance
38 02-064 on December 9, 2002
- 39 (13) Snohomish County Code Section 30.31D.160, last amended by Amended
40 Ordinance 10-023 on June 9, 2010
- 41 (14) Snohomish County Code Section 30.31D.210, last amended by Amended
42 Ordinance 10-086 on October 20, 2010
- 43 (15) Snohomish County Code Section 30.31D.220, last amended by Amended
44 Ordinance 05-083 on December 21, 2005
- 45 (16) Snohomish County Code Section 30.31D.230, added by Amended Ordinance
46 02-064 on December 9, 2002

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1 (17) Snohomish County Code Section 30.31D.240, last amended by Amended
2 Ordinance 08-062 on October 1, 2008

3
4 Section 14. Snohomish County Code Section 30.32C.010, added by Amended
5 Ordinance No. 02-064 on December 9, 2002, is amended to read:

6
7 **30.32C.010 Purpose and applicability.**

8
9 (1) The purpose of this chapter ((30.32C SCC)) is to provide standards for excavation and
10 processing of minerals; implement notice requirements established by the Growth Management
11 Act (GMA) in RCW 36.70A.060(1), and Land Use Policy 9.C.1 of the comprehensive plan;
12 ((and)) to promote the policy that the use of lands adjacent to designated mineral resource
13 lands shall not interfere with the continued use, in the accustomed manner, and in accordance
14 with best management practices, of lands designated for the extraction of minerals as required
15 by the GMA in RCW 36.70A.060(1); protect adjacent existing and planned land uses from
16 significant conflicts; ensure that mineral excavation, processing and transport are conducted
17 consistent with the public health, safety and general welfare; and provide for the orderly and
18 efficient transition from active mining into post-extraction uses for sites approaching, or at,
19 depletion of commercially significant mineral resources.

20
21 (2) Excavation and processing of minerals:

22
23 (a) This use shall allow only the primary reduction, treatment, and processing of
24 minerals and materials, together with any necessary accessory buildings.

25
26 (b) At least one of the major mineral or material constituents being exploited shall be
27 from the property on which the mineral operations are proposing to locate.

28
29 (c) Allowed uses shall include, but not be limited to, extraction, excavation, washing,
30 crushing, stock piling, blasting, transporting, recycling, concrete batching, asphalt
31 mixing, and the manufacturing of terra cotta, tile, brick, and concrete products.

32
33 (d) The use shall not be detrimental to the existing, developing, or projected land use.

34
35 (3) Excavation and processing of minerals is allowed only on mineral resource lands
36 designated in the comprehensive plan or mining claims officially recognized by the state or
37 federal government and recorded with the auditor, with the exception of:

38
39 (a) The extraction and processing of rock and gravel exclusively for forest practices
40 shall be permitted in the Forestry (F) zone pursuant to chapter 76.09 RCW.

41
42 (b) Existing, legally established non-conforming mineral operations will be allowed to
43 continue subject to the provisions and requirements of chapter 30.28 SCC.

44
45 (c) Expansion of existing legally established mineral operations onto adjacent
46 undesignated land where a portion of the existing site has been designated mineral
47 resource land.

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1
2 (4) If a parcel contains any portion of designated mineral resource lands it will be considered
3 fully designated for the purpose of determining eligibility to apply for the permits required for
4 excavation and processing of minerals.

5
6 Section 15. Add a new section to Chapter 30.32C to read:

7
8 **30.32C.020 Relationship to comprehensive plan.**

- 9
10 (1) Sites are eligible for administrative conditional use permit or conditional use permit
11 consideration if they meet the criteria in SCC 30.32C.010(3).
12
13 (2) Sites may be proposed for Mineral Resource designation and shall be considered in
14 accordance with the provisions in chapter 30.74 SCC using the criteria for designation set forth
15 in the General Policy Plan Policies LU 9.A.1 through LU 9.A.13.
16
17 (3) Designation as Mineral Resource Lands in the General Policy Plan signifies that the use of
18 mineral lands has been anticipated and evaluated at an area-wide level in terms of potential
19 environmental impacts. The Mineral Resource Lands Designation environmental documents,
20 the Draft Supplemental EIS Snohomish County Mineral Lands Designation (November, 2001),
21 Draft Supplemental EIS Addendum Snohomish County Mineral Lands Designation (July, 2002),
22 and the Final Supplemental EIS Snohomish County Mineral Lands Designation (August, 2003),
23 may be relied on when making threshold determinations, preparing site specific environmental
24 documents, identifying mitigation measures in accordance with chapter 30.61 SCC, or
25 developing administrative rules and procedures in accordance with chapter 30.82 SCC.

26
27 Section 16. Add a new section to Chapter 30.32C to read:

28
29 **30.32C.030 Process for review of mining applications.**

- 30
31 (1) A conditional use permit, pursuant to chapter 30.42C SCC, or an administrative conditional
32 use permit, pursuant to chapter 30.43A SCC, shall be required for mineral excavation and
33 processing proposals. An administrative conditional use permit process may be used only when
34 the mining proposal meets the following criteria:
35 (a) total site disturbance, including all phases of excavation, internal haul roads and
36 reclamation, comprises 20 acres or less;
37 (b) no processing, crushing or blasting will occur accessory to mining;
38 (c) the operation will generate less than 50 total vehicle trips per day; and
39 (d) the duration of the operation will be 5 years or less.
40 Where the proposal does not meet (a) through (d) above, it shall require a conditional
41 use permit.
42
43 (2) All proposals shall be subject to the requirements of the State Environmental Policy Act and
44 shall be reviewed pursuant to chapter 30.61 SCC.

45
46 Section 17. Add a new section to Chapter 30.32C to read:

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30.32C.040 Submittal requirements.

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.

Section 18. Add a new section to Chapter 30.32C to read:

30.32C.050 Provisions for subdivision of designated mineral resource lands and lands adjacent to mineral resource lands.

(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, **except as provided by a development agreement under SCC 30.32C.250**. 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).

(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:

- (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.

Section 19. Snohomish County Code Section 30.32C.100, last amended by Amended Ordinance 05-083 on December 21, 2005, is repealed.

Section 20. Add a new section to Chapter 30.32C to read:

30.32C.100 General performance standards.

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:

(1) The operator shall bury or remove all metal, lumber, or other refuse on the site in a method approved by the hearing examiner;

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1 (2) After completion of excavation operations, the operator shall dismantle and remove within
2 three months all equipment introduced to the site in support of the operations, with the
3 exception of equipment necessary for reclamation for excavations not regulated by the state
4 pursuant to chapter 78.44 RCW, which equipment shall not be removed until such reclamation
5 is completed to the satisfaction of the state or local authorities. For excavations regulated by the
6 state pursuant to chapter 78.44 RCW, removal of reclamation equipment shall be determined by
7 the applicable reclamation plan. This three month period shall not be assumed to include time
8 between projects or times when the plan is temporarily inoperative due to economic, weather, or
9 other similar conditions recognized as reasonable by the hearing examiner. Such temporary
10 discontinuance of operations shall not be the cause for removal of equipment;

11
12 (3) All excavation operations and trucking directly related to such operations may be permitted
13 only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Saturday, unless the
14 approval authority determines that no nuisance exists, or that unusual and justifying
15 circumstances are present, in which case the relaxation of this regulation shall terminate when
16 such conditions and circumstances are deemed by the hearing examiner to no longer exist;

17
18 (4) If property to be developed for excavation has an exterior boundary line which shares a
19 common property line with developed property, or if in the judgment of the approval authority,
20 the nature and location of the operation is such as to constitute a hazard to public safety, then a
21 solid wall or fence at least five feet in height shall be installed and maintained at least 50 feet
22 from the excavated area. All openings in the fence shall be barred by locked gates when the
23 permittee or the permittee's agent are not on the premises;

24
25 (5) The area shall be posted with signs having letters at least three inches high and two inches
26 wide, giving clear warning of the dangerous conditions resulting from the excavation. The signs
27 shall be not more than 50 feet apart around the periphery of the subject property and shall be
28 maintained in good repair until excavation and reclamation operations are completed; and

29
30 (6) One copy of approved excavation and reclamation plans and specifications for reclamation
31 of excavations not regulated by the state pursuant to chapter 78.44 RCW shall be kept on the
32 site at all times during the progress of the excavation operation.

33
34 (7) In no case shall mineral operations impair lateral support or cause earth movements or
35 erosion to extend beyond the exterior boundary lines of property being excavated.

36
37 (8) Impacts resulting from traffic generated by mineral operations shall be addressed pursuant
38 to chapter 30.66B SCC.

39
40 Section 21. Add a new section to Chapter 30.32C to read:

41
42 **30.32C.110 Landscaping.**

43
44 Landscaping shall be in accordance with SCC 30.25.027.

45
46 Section 22. Add a new section to Chapter 30.32C to read:

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30.32C.120 Setbacks.

Mineral excavation and processing operations, as well as related structures and buildings, shall be set back in accordance with SCC 30.23.110(27).

Section 23. Add a new section to Chapter 30.32C to read:

30.32C.130 Protection of water quality.

(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.

(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.

(3) Pursuant to SCC ((~~30.31D~~)) **30.32C**.220, the approval authority may require summer testing of groundwater levels and quality.

Section 24. Add a new section to Chapter 30.32C to read:

30.32C.135 Noise.

Excavation and processing of minerals shall be conducted so as to comply with the maximum permissible noise levels established in chapter 10.01.

Section 25. Add a new section to Chapter 30.32C to read:

30.32C.140 Blasting.

Blasting or other activities producing ground vibration shall not constitute a nuisance to, or damage in any way, the property of adjacent land owners. 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.

Section 26. Add a new section to Chapter 30.32C to read:

30.32C.145 Air quality.

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1 Extraction and processing shall be conducted to comply with state air quality standards and any
2 permit requirements as set forth by the Puget Sound Clean Air Agency. The approval authority
3 may, as a condition of approval, require the use of best management practices (such as
4 watering of the site and equipment) to control emissions of suspended particulates

5
6 **Section 27. Snohomish County Code Section 30.32C.150, last amended by Amended**
7 **Ordinance 08-087 on February 4, 2009, is repealed.**

8
9 Section 28. Add a new section to Chapter 30.32C to read:

10
11 **30.32C.155 Underground excavations.**

12
13 Underground excavation operations shall not be left in a condition so as to be or become
14 hazardous. Mine shafts, air courses, inclines, or horizontal working temporarily unused or
15 deserted shall be blocked by solid bulkheads constructed of concrete, wood, or steel. A locked
16 manway or door may be installed as part of the bulkhead. Where shafts, air courses, inclines or
17 horizontal working are to be permanently abandoned in accordance with good mining practice,
18 the collar portal to such workings shall be completely blocked by permanent bulkheads
19 constructed of concrete and/or steel or by causing the collapse of solid rock at such collar or
20 portal in such manner as to prohibit the reopening of said workings by natural movement of the
21 collapsed rock by gravity down inclined workings.

22
23 Section 29. Add a new section to Chapter 30.32C to read:

24
25 **30.32C.160 Land disturbing activity, reclamation and topsoil retention.**

26
27 (1) Where applicable pursuant to SCC 30.63B.020, excavation and processing of minerals, and
28 other mining-related development activities, including but not limited to road construction,
29 drainage facilities and detention ponds, and reclamation of mining sites not subject to chapter
30 78.44 RCW, shall be in accordance with chapter 30.63B SCC.

31
32 (2) Topsoil that exists on a site shall be retained on the site in sufficient quantities to ensure an
33 adequate supply for reclamation purposes for excavations not regulated by the state pursuant to
34 chapter 78.44 RCW.155.

35
36 Section 30. Add a new section to Chapter 30.32C to read:

37
38 **30.32C.210 Decision criteria.**

39
40 Applications for an administrative conditional use permit or a conditional use permit on sites
41 which meet the criteria in SCC 30.32C.010(2) and (3) shall not be denied unless the approval
42 authority makes a finding of fact and a determination that any of the following situations exist:

43
44 (1) It is determined that the reclamation plans and operating procedures for excavations not
45 regulated by the state pursuant to chapter 78.44 RCW proposed by the applicant are not
46 adequate to protect the general welfare and adjoining properties or the natural environment to
47 an extent deemed reasonable as conditioned by these local circumstances:

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- 1
- 2 (a) the operation will probably endanger the health, comfort, welfare, or safety of the
- 3 public by the pollution of any waters or the atmosphere, or create unusual and
- 4 dangerous traffic conditions; and
- 5
- 6 (b) the operation probably will endanger life or property by the storage of explosives,
- 7 unduly decreasing property values or the removal of subjacent lateral support;
- 8
- 9 (2) The applicant has ever had a previous county permit permanently revoked for cause; or
- 10
- 11 (3) The applicant has previously forfeited a security device attached to a previous operation,
- 12 unless corrective measures have taken place without cost to the county or state.
- 13
- 14 (4) The suitability of the location and the operation considering the nature and degree of
- 15 surrounding development.
- 16

17 Section 31. Add a new section to Chapter 30.32C to read:

18
19 **30.32C.220 Additional conditions.**

20
21 Additional conditions may be established or imposed on an administrative conditional use permit
22 or a conditional use permit for excavation and processing of minerals and may include, but are
23 not limited to, the following:

- 24
- 25 (1) Regulation of the height and location of all equipment installed on the site, above and
- 26 beyond the setback restrictions of this chapter, if unusual circumstances bearing on public
- 27 safety or other vital concerns are deemed to exist;
- 28
- 29 (2) The number and locations of points of ingress and egress to and from any mining operation;
- 30
- 31 (3) Wherever possible the operator shall schedule his excavation sequence in such a manner
- 32 as to provide either natural or reclaimed buffers between the operation and adjoining properties;
- 33
- 34 (4) Lighting to minimize visibility from adjacent property and preclude it from shining directly
- 35 onto adjoining property;
- 36
- 37 (5) Stockpiles and tailings shall not exceed the height, slope and moisture content limits
- 38 determined by the hearing examiner, nor shall such stockpiles or tailings be so located as to
- 39 threaten adjacent slopes or properties. In making this determination, the approval authority may
- 40 consult with the Washington State Department of Transportation, the Department of Natural
- 41 Resources, the director of the department of public works, or other authoritative sources;
- 42
- 43 (6) Selective cutting of timber in power line corridors;
- 44
- 45 (7) Control of signs;
- 46
- 47 (8) The selection of building materials in scenic areas;

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- 1
- 2 (9) The preservation of animal trails by use of trestle and culverts;
- 3
- 4 (10) Public access to unexcavated areas, especially if the areas include waterfront property;
- 5
- 6 (11) Closed aggregate washing systems;
- 7
- 8 (12) The location of mining towns, mills, tailing dump sites, settling ponds;
- 9
- 10 (13) The removal of access roads in wilderness areas after the completion of mining, as well as
- 11 their restriction from public use during such operations;
- 12
- 13 (14) Provisions for groundwater testing;
- 14
- 15 (15) The establishment of a haul route agreement; and
- 16
- 17 (16) Required participation in a monitoring program.

18 Section 32. Add a new section to Chapter 30.32C to read:

19
20
21 **30.32C.230 Inspections.**

22
23 The granting of any permit hereunder is conditioned upon the consent of the owner to permit

24 inspection of the site at any time. The inspection may include:

- 25
- 26 (1) A review of all applicable county permits;
- 27
- 28 (2) A review of all work actually being conducted on the site; and
- 29
- 30 (3) A comparison of the actual performance with approved methods contained in the
- 31 permit, as well as a recording of any known violations of state or federal permits. All
- 32 violations shall be noted whether or not they are corrected in the presence of the
- 33 inspector.

34
35 Section 33. Add a new section to Chapter 30.32C to read:

36
37 **30.32C.240 Suspension and/or Revocation of approval.**

38
39 Administrative conditional use permits or conditional use permits for excavation may be

40 suspended or revoked in accordance with SCC 30.85.300 or 30.85.310.

41
42 Section 34. Add a new section to Chapter 30.32C to read:

43
44 **SCC 30.32C.250 Transition to Post-Extractive Land Uses**

- 45
- 46 (1) Sites with an active Conditional Use Permit issued pursuant to this chapter that are
- 47 approaching depletion of all commercially significant mineral resources on the site may enter

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1 into a development agreement under chapter 30.75 SCC to address reclamation and transition
2 into post-extractive uses. “Approaching depletion” means the point when, at current extraction
3 rates, it will reach depletion within five years. “Depletion” means that all mineral resources that
4 are commercially significant for extraction have been extracted. A mineral site may not be
5 considered depleted if it meets criteria for mineral resource overlay designation under the
6 comprehensive plan and under RCW 36.70A.050.

7
8 (2) Development agreements under subsection (1) may allow grading, utility installation,
9 landscaping, and other necessary components of the development not inconsistent with
10 ongoing mining to occur upon approval but will prohibit final subdivision approval and issuance
11 of any building permit not directly related to mining operations until the completion of surface
12 mining as defined by RCW 78.44.031(2) on the site.

13
14 Section 35. Snohomish County Code Section 30.32C.200, last amended by Ordinance
15 18-061 on Dec. 5, 2018, is repealed.

16
17 Section 36. Snohomish County Code Section 30.32C.210, last amended by Amended
18 Ordinance 04-119 on Nov. 17, 2004, is repealed.

19
20 Section 37. Add a new section to Chapter 30.32C to read:

21
22 **SCC 30.32C.300 Notice and disclosure required.**

23
24 The disclosure text set forth in SCC 30.32C.310 shall be used under the following
25 circumstances and in the following manners:

26
27 (1) Snohomish County shall mail a copy of the disclosure text in SCC 30.32C.310, with an
28 explanatory informational attachment, to owners of real property within 2,000 feet of any real
29 property redesignated to mineral resource land by amendment to the comprehensive plan future
30 land use map within 90 days from the date the mineral resource land designation becomes
31 effective.

32
33 (2) Development permits and building permits for land that is designated mineral resource land
34 or land that is within 2,000 feet of designated mineral resource land shall include the notice
35 contained in SCC 30.32C.310. The notice requirement shall apply to the real property which is
36 subject to the development or building permit only so long as the subject property is designated
37 or is within 2,000 feet of land that is designated mineral resource land.

38
39 Section 38. Add a new section to Chapter 30.32C to read:

40
41 **SCC 30.32C.310 Disclosure text.**

42
43 The following shall constitute the disclosure required by SCC 30.32C.300:

44
45 Your real property is on or within 2,000 feet of designated mineral resource land, on which
46 mineral extraction, or a variety of activities related to mineral extraction, may occur that are not
47 compatible with residential development for certain periods of limited duration. An application

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1 might be made on the designated mineral resource land for mining-related activities, including
2 mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of
3 minerals.
4

5 Section 39. Snohomish County Code Section 30.41C.020, last amended by Amended
6 Ordinance No. 08-087 on February 4, 2009, is amended to read:
7

8 **SCC 30.41C.020 Applicability.**
9

10 (1) An application for a rural cluster subdivision or short subdivision shall be combined with the
11 application for a subdivision or short subdivision, and shall be processed as a single application.
12

13 (2) Clustering is permitted in the following zones:

- 14 (a) Forestry (F);
- 15 (b) Forestry and Recreation (F & R);
- 16 (c) Rural Resource Transition - 10 acre (RRT-10);
- 17 (d) Rural Five-Acre (R-5);
- 18 (e) Rural Conservation (RC);
- 19 (f) Rural Diversification (RD); and
- 20 ((g) Mineral Conservation (MC).)
- 21

22 (3) The provisions of this chapter shall not be used in the zones listed in SCC 30.41C.020(2) if
23 the properties are designated on the Future Land Use Map (FLUM) as follows:

- 24 (a) Commercial Forest (CF);
- 25 (b) Commercial Forest-Forest Transition Area (CF-FTA);
- 26 (c) Upland Commercial Farmland (UCF);
- 27 (d) Local Commercial Farmland (LCF); or
- 28 (e) Riverway Commercial Farmland (RCF)
- 29 (f) Rural Residential-Rural Diversification (RR-RD) outside a RUTA overlay; or
- 30 (g) Located within an urban growth area.
31

32 (4) Where the mineral resource overlay (MRO) covers a portion of a parcel zoned R-5, the
33 provisions of this chapter may be used on that portion of the parcel located outside the MRO, if
34 the provisions of SCC ((30.32C.150)) 30.32C.050 are met.
35

36 Section 40. Snohomish County Code Section 30.41C.075, last amended by Amended
37 Ordinance No. 08-087 on February 4, 2009, is amended to read:
38

39 **SCC 30.41C.075 Site design and development standards - buffers and open space.**
40

41 The following standards shall apply to all rural cluster subdivisions and short subdivisions:
42

43 (1) Setback buffers to separate existing or perimeter road rights-of-way that border the
44 development project from the nearest cluster residential lot lines in the development shall be
45 established in open space tracts that are a minimum of 100 feet in width. When the existing site
46 character is meadow or pasture, the setback buffer tract(s) shall be a minimum of 200 feet in
47 width. Setback buffer tracts may be reduced to a minimum of 60 feet in width when a sight-

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1 obscuring topographic variation or physical condition, such as forest, will serve as a visual
2 buffer. Setbacks for a meadow or pasture site may be reduced to a minimum of 120 feet in
3 width if natural characteristics such as topography or geologic outcrops, or if existing buildings
4 retained on site, obscure the view of new rural cluster development.

5 (a) Maintenance of existing vegetation or additional landscaping in setback buffer tracts
6 shall be required in accordance with SCC 30.25.033.

7 (b) An exception to the vegetation retention requirements in SCC 30.25.033(5) may be
8 made for utility easements and designated road rights-of-way or walkways, if no other
9 options are available.

10
11 (2) Perimeter buffers shall be established in open space tracts on all boundaries of the project
12 site abutting residential property. Perimeter buffers shall be a minimum of 50 feet in width
13 unless larger buffers are required under SCC 30.41C.075(1). Maintenance of existing
14 vegetation or additional landscaping in perimeter buffers shall be required in accordance with
15 SCC 30.25.033.

16
17 (3) Open space tracts to separate clusters shall be a minimum of 200 feet in width, and may be
18 reduced to a minimum of 120 feet when a sight-obscuring topographic variation or physical
19 condition, such as forest, will serve as a visual buffer between the clusters.

20 (a) Landscaping in buffers between clusters shall be required in accordance with SCC
21 30.25.033.

22 (b) Open space tracts retained for forestry resource uses shall be separated from
23 residential lots by a buffer 100 feet in width.

24
25 (4) ~~Restricted open space shall be included in accordance with 30.41C.090 ((Open space shall
26 include a minimum of 45 percent of the gross site area except in forestry and forestry and
27 recreation zones and designated natural resource lands, where 60 percent is required, and in
28 the rural urban transition area, where 65 percent is required.~~

29 ~~(a) Open space required for separation from roadways and adjacent properties and for
30 separation of clusters may be counted toward the open space calculation in lot yield.~~

31 ~~(b) Where practicable, open space tracts within a rural cluster subdivision or short
32 subdivision shall be located contiguous to designated open space tracts on adjacent
33 properties.~~

34 ~~(c) Open space shall be configured so that it is adjacent to or directly across the street
35 from as many of the clustered lots as practical.))~~

36
37 Section 41. Snohomish County Code Section 30.41C.090, last amended by Amended
38 Ordinance No. 17-070 on Nov. 1, 2017, is amended to read:

39
40 **SCC 30.41C.090 Restricted open space - general requirements.**

41
42 (1) All open space within the rural cluster subdivision used to meet the open space
43 requirements for lot yield calculations shall be restricted open space. Such restricted open
44 space shall be designated, held in tracts separate from residential lots, and marked on the face
45 of the plat.

46
47 (2) To qualify as restricted open space, an area must meet the following standards:

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- 1 (a) It must be used for buffering, critical area protection, resource production,
2 conservation, recreation, community utility purposes, or general preservation;
- 3 (b) At least 25 percent of the open space tract shall be accessible by all residents of the
4 rural cluster subdivision or short subdivision for passive recreation, except when the
5 restricted open space is fenced off as a critical area protection area. Access points to
6 open space shall be shown on the face of the plat;
- 7 (c) The following uses are permitted in restricted open space tracts unless prohibited by
8 chapter 30.62A, 30.62B or 30.62C SCC:
 - 9 (i) Beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways,
10 equestrian trails, equestrian centers or structures related to animal husbandry or
11 farming, playgrounds, or any nonmotorized passive recreational facilities and
12 other similar uses as authorized by the director;
 - 13 (ii) Community wells, well houses, water lines, water system appurtenances and
14 community drain fields;
 - 15 (iii) The following drainage facilities that meet the landscaping requirements in
16 SCC 30.25.023:
 - 17 (A) Unfenced detention, retention and wetponds;
 - 18 (B) Stormwater treatment wetlands;
 - 19 (C) Stormwater infiltration trenches and bioswales that serve more than
20 one dwelling; and
 - 21 (D) Low impact development best management practices that serve
22 more than one dwelling, excluding permeable pavement areas intended
23 for vehicle access and parking.
 - 24 (iv) Natural resource uses in accordance with chapters 30.32A, 30.32B and
25 30.32C SCC; and
- 26 (d) At least 30 percent of the total area of restricted open space shall be left
27 undisturbed. Undisturbed open space may contain critical areas and their buffers. Such
28 undisturbed restricted open space shall be identified on the site plan and marked clearly
29 on the land disturbing activity site plan.

- 30
- 31 (3) **Developments under chapter 30.41C shall include open space as follows:**
 - 32 (a) **A minimum of 45 percent of the gross site area.**
 - 33 (b) **A minimum of 60 percent of the gross site area in forestry and forestry and recreation**
34 **zones and designated natural resource lands, except mineral sites transitioning to post-**
35 **extractive uses under SCC 30.32C.250.**
 - 36 (c) **A minimum of 65 percent of the gross site area in the rural urban transition area.**
 - 37 (d) **Open space required for separation from roadways and adjacent properties and for**
38 **separation of clusters may be counted toward the open space calculation in lot yield.**
 - 39 (e) **Where practicable, open space tracts within a rural cluster subdivision or short**
40 **subdivision shall be located contiguous to designated open space tracts on adjacent**
41 **properties.**
 - 42 (f) **Open space shall be configured so that it is adjacent to or directly across the street**
43 **from as many of the clustered lots as practical.**

44
45 ~~((SCC Table 30.41C.090 establishes the minimum percentage of the original gross~~
46 ~~development area that shall be retained as restricted open space tracts, except when the land is~~
47 ~~also designated as rural urban transition area (RUTA), which is governed by SCC 30.41C.140.~~

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2

Table 30.41C.090 Restricted Open Space Area Requirements

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
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 30.32C.150))			

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(4) No more than 65 percent of the total restricted open space area may consist of unbuildable land as defined in SCC 30.91U.060.

(5) To retain rural character, the restricted open space shall contain on-site forested areas, active agriculture, meadows, pastures or prominent hillsides or ridges.

(6) The following notice shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

"Tract ____ is a restricted open space tract with limited uses pursuant to chapter 30.41C SCC. The open space tract is intended to be preserved in perpetuity."

Section 42. Snohomish County Code Section 30.41C.100, added by Amended Ordinance 08-087 on February 4, 2009, is amended to read:

30.41C.100 Restricted open space - natural resource lands.

If the open space required in SCC 30.41C.090 contains natural resource lands as defined in SCC 30.91N.030, the following shall be required:

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1 (1) A minimum 100-foot open space buffer shall be provided between the boundary of the
2 designated natural resource land and the property lines of any residential lots or any structure
3 within an open space; and
4

5 (2) A disclosure statement regarding the use rights associated with natural resource lands, as
6 required by SCC 30.32A.210, SCC 30.32B.210 or SCC ((~~30.32C.200~~) 30.32C.300), shall be
7 recorded on the final plat or final short plat. The disclosure statement shall contain text stating
8 the protections and potential hazards of proximity to agricultural, forestry, or mineral uses as
9 required in SCC 30.32A.220, SCC 30.32B.220 or SCC ((~~30.32C.210~~) 30.32C.310).
10

11 Section 43. Snohomish County Code Section 30.41C.110, last amended by Amended
12 Ordinance No. 08-087 on February 4, 2009, is amended to read:
13

14 **SCC 30.41C.110 Ownership and preservation of restricted open space.**

15
16 The following provisions shall apply to the ownership and preservation of restricted open space
17 as required in SCC 30.41C.090:
18

19 (1) Open space requirements must be met with restricted open space tract(s) held in separate
20 ownership from residential lots and marked on the face of the plat with limited uses referenced.
21

22 (2) Restricted open space tracts shall be owned by a single property owner, a homeowners
23 association, a public agency or a not for profit organization.
24

25 (3) When ownership of restricted open space is by a single property owner, the property owner
26 shall:

27 (a) Record a restricted covenant against the open space tract that runs with the land
28 and restricts the use of the open space tract to those uses allowed in SCC
29 30.41C.090(2); and

30 (b) Provide an open space management plan pursuant to SCC 30.41C.120.
31

32 (4) Common ownership shall be by the property owners of the subdivision as a whole, in the
33 form of a homeowners association.

34 (a) The applicant shall provide the county with a description of the association, proof of
35 incorporation of the association, a copy of its bylaws, a copy of the conditions, covenants
36 and restrictions regulating the use of the property and setting forth methods for
37 maintaining the open space.

38 (b) Membership in the homeowners association, and dues or other assessment for
39 maintenance purposes, shall be a requirement of lot ownership within the development.
40

41 (5) All lands classified as natural resource lands, including lands designated mineral resource
42 overlay, that are included in restricted open space areas shall be:

43 (a) Placed under a unified system of property management for the purpose of
44 maximizing their continued or future management for beneficial resource
45 production/conservation purposes; and

46 (b) If the land is designated mineral resource overlay it shall be subject to the
47 requirements of SCC ((~~30.32C.150~~) 30.32C.050).

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- 1
2 (6) Forest practices within restricted open space shall be permitted, provided that:
3 (a) The activity is consistent with an applicable approved forest practice permit; and
4 (b) The activity is included in the open space management plan.
5

6 Section 44. Snohomish County Code section 30.65.220, last amended by Ordinance 20-
7 076 on November 4, 2020, is amended to read:
8

9 **30.65.220 Floodways: permitted uses.**

10 The following uses are allowed in the floodway when permitted by the applicable zone under
11 chapter 30.22 SCC, provided the use is in compliance with the applicable general and specific
12 floodproofing standards of SCC 30.65.110 and 30.65.120, and other applicable provisions of
13 this chapter:
14

- 15 (1) Agriculture;
16
17 (2) Forestry, including processing of forest products with portable equipment;
18
19 (3) Preserves and reservations;
20
21 (4) Park and recreational activities;
22
23 (5) Removal of rock, sand and gravel, when the applicant can provide clear and convincing
24 evidence that such uses will not divert flood flows causing channel shift or erosion, accelerate or
25 amplify the flooding of downstream flood hazard areas, increase the flooding threat to upstream
26 flood hazard areas, or in any other way threaten public or private properties. When allowed,
27 such removal shall comply with the provisions of chapter (~~30.31D~~) **30.32C** SCC and the county
28 shoreline management program;
29
30 (6) Utility transmission lines when allowed in underlying zones unless otherwise prohibited by
31 this chapter. When the primary purpose of such a transmission line is to transfer bulk products
32 or energy through a floodway en route to another destination, as opposed to serving customers
33 within a floodway, such transmission lines shall conform to the following:
34 (a) All utility transmission lines shall cross floodways by the most direct route feasible as
35 opposed to paralleling floodways;
36 (b) Electric transmission lines shall span the floodway with support towers located in
37 flood fringe areas or beyond. Where floodway areas cannot be spanned due to
38 excessive width, support towers shall be located to avoid high flood water velocity and/or
39 depth areas, and shall be adequately floodproofed;
40 (c) Buried utility transmission lines transporting hazardous materials, including but not
41 limited to crude and refined petroleum products and natural gas, shall be buried a
42 minimum of four feet below the maximum established scour of the waterway, as
43 calculated on the basis of hydrologic analyses. Such burial depth shall be maintained
44 horizontally within the hydraulic floodway to the maximum extent of potential channel
45 migration as determined by hydrologic analyses. In the event potential channel migration
46 extends beyond the hydraulic floodway, conditions imposed upon floodway fringe and
47

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1 special flood hazard areas shall also govern placement. All hydrologic analyses are
2 subject to acceptance by the county, shall assume the conditions of a 100-year
3 frequency flood as verified by the U.S. Army Corps of Engineers, and shall include on-
4 site investigations and consideration of historical meander characteristics in addition to
5 other pertinent facts and data. The use of riprap as a meander containment mechanism
6 within the hydraulic floodway shall be consistent with the county shoreline management
7 program;

8 (d) Buried utility transmission lines transporting non-hazardous materials including water
9 and sewage shall be buried a minimum of four feet below the maximum established
10 scour of the waterway as calculated on the basis of hydrologic analyses. Such burial
11 depth shall be maintained horizontally within the hydraulic floodway to the maximum
12 extent of potential channel migration as determined by hydrologic analyses. All
13 hydrologic analyses shall conform to requirements in subsection (6)(c) of this section.
14 The use of riprap as a meander containment mechanism within the hydraulic floodway
15 shall be consistent with the county shoreline management program;

16 (e) Beyond the maximum extent of potential channel migration, utility transmission lines
17 transporting hazardous and non-hazardous materials shall be buried below existing
18 natural and artificial drainage features. Burial depth in all agricultural areas requiring or
19 potentially requiring subsurface drainage shall be a minimum of six feet as measured
20 from ground surface to the top of the transmission line, or at other such depth as
21 deemed necessary by on-site investigations performed by a qualified soils expert familiar
22 with county soils. Burial depth in all other agricultural and non-agricultural floodway
23 areas shall be determined on the basis of accepted engineering practice and in
24 consideration of soil conditions and the need to avoid conflict with agricultural tillage;

25 (f) All buried utility transmission lines shall achieve sufficient negative buoyancy so that
26 any potential for flotation or upward migration is eliminated;

27 (g) Above ground utility transmission lines, not including electric transmission lines, shall
28 only be allowed for the transportation of non-hazardous materials where an existing or
29 new bridge or other structure is available and capable of supporting the line. When
30 located on existing or new bridges or other structures with elevations below the level of
31 the 100-year flood, the transmission line shall be placed on the down-stream side and
32 protected from flood debris. In such instances, site specific conditions and flood damage
33 potential shall dictate placement, design and protection throughout the floodway.
34 Applicants must demonstrate that such above ground lines will have no appreciable
35 effect upon flood depth, velocity or passage, and shall be adequately protected from
36 flood damage. If the transmission line is to be buried except at the waterway crossing,
37 burial specifications shall be determined as in subsection (6)(d) of this section;

38 (h) All floodway crossings by utility transmission lines transporting hazardous materials
39 shall be equipped with valves capable of blocking flow within the pipeline in the event of
40 leakage or rupture. All floodway crossings shall have valves unless otherwise indicated
41 by standard engineering review of the site and type of transmission line as acceptable to
42 the county with locations determined by other provisions of this chapter;

43 (i) Above ground utility transmission line appurtenant structures including valves,
44 pumping stations, or other control facilities shall not be permitted in the floodway; and
45 (j) Where a floodway has not been determined by preliminary Corps of Engineers'
46 investigations or official designation, a floodway shall be defined by qualified engineering
47 work by the applicant on the basis of a verified 100-year flood event.

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- (7) Repairs, reconstruction, replacement, or improvements to existing farmhouse structures which are located on lands designated as agricultural lands of long-term commercial significance under RCW 36.70A.170, subject to the following:
 - (a) The new farmhouse is a replacement for an existing farmhouse on the same farm site;
 - (b) There is no potential building site for a replacement farmhouse on the same farm outside the designated floodway;
 - (c) The farmhouse being replaced shall be removed, in its entirety, including foundation, from the floodway within 90 days after occupancy of the new farmhouse;
 - (d) For substantial improvements, and replacement farmhouses, the elevation of the lowest floor of the improvement and farmhouse respectively, including basement, is one foot higher than the base flood elevation;
 - (e) New and replacement water supply systems, are designed to eliminate or minimize infiltration of flood waters into the system;
 - (f) New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of flood waters into the system and discharge from the system into the flood waters;
 - (g) All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage;
 - (h) The replacement farmhouse shall not exceed the total square footage of encroachment of the structure which it is replacing; and
 - (i) Repairs, reconstruction, or improvements to a farmhouse shall not increase the total square footage of encroachment of the existing farmhouse.

- (8) Repairs, replacement, or relocation of substantially damaged residences in the floodway, other than farmhouses, are subject to the following:
 - (a) When residences other than farmhouses are substantially damaged in the floodway, the floodplain administrator may make a written request to the Department of Ecology under RCW 86.16.041(4) to assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth, velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the floodplain administrator authority to permit repair, replacement, or relocation of the substantially damaged structure. The property owner shall submit any information necessary to complete the assessment to the county and the Department of Ecology. Without a favorable recommendation from the Department of Ecology for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed under WAC 173-158-076(1).
 - (b) Before the repair, replacement, or relocation is started, all applicable requirements of the National Flood Insurance Program, chapter 86.16 RCW, chapter 30.43C SCC, and this chapter must be satisfied. In addition, the following conditions must be met:
 - (i) There is no potential building location for the replacement residential structure on the same property outside the regulatory floodway;
 - (ii) The replacement residential structure is equivalent in use and size to the substantially damaged residential structure;

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- 1 (iii) The structure being repaired, replaced, or reconstructed was legally
- 2 constructed;
- 3 (iv) Repairs, reconstruction, or replacement do not result in an increase of the
- 4 total square footage of floodway encroachment;
- 5 (v) The elevation of the lowest floor of the substantially damaged or replacement
- 6 residential structure is a minimum of one foot higher than the base flood
- 7 elevation;
- 8 (vi) New and replacement water supply systems are designed to eliminate or
- 9 minimize infiltration of floodwater into the system;
- 10 (vii) New and replacement sanitary sewerage systems are designed and located
- 11 to eliminate or minimize infiltration of floodwater into the system and discharge
- 12 from the system into the floodwaters; and
- 13 (viii) All other utilities and connections to public utilities are elevated a minimum
- 14 of one foot above the base flood elevation and are designed, constructed, and
- 15 located to eliminate or minimize flood damage.
- 16

17 (9) Water-dependent utilities and other installations which by their very nature must be in the
18 floodway. Examples of such uses are: Dams for domestic/industrial water supply, flood control
19 and/or hydroelectric production; water diversion structures and facilities for water supply,
20 irrigation and/or fisheries enhancement; flood water and drainage pumping plants and facilities;
21 hydroelectric generating facilities and appurtenant structures; structural and nonstructural flood
22 damage reduction facilities, and stream bank stabilization structures and practices. The
23 applicant shall supply convincing evidence that a floodway location is necessary in view of the
24 objectives of the proposal and that the proposal is consistent with other provisions of this
25 chapter and the county shoreline management program. In all instances of locating utilities and
26 other installations in floodway locations, project design must incorporate floodproofing.

- 27
- 28 (10) Dikes, when the applicant can provide clear and convincing evidence that:
- 29 (a) Adverse effects upon adjacent properties will not result relative to increased
 - 30 floodwater depths and velocities during the base flood or other more frequent flood
 - 31 occurrences;
 - 32 (b) Natural drainage ways are minimally affected in that their ability to adequately drain
 - 33 floodwaters after a flooding event is not impaired; and
 - 34 (c) The proposal has been coordinated through the appropriate diking district where
 - 35 applicable, and that potential adverse effects upon other affected diking districts have
 - 36 been documented.
 - 37

38 (11) Public works, limited to roads and bridges.

39
40 Section 45. Snohomish County Code section 30.66B.035, last amended by Amended
41 Ordinance 10-072 on Sept. 8, 2010, is amended to read:

42
43 **SCC 30.66B.035 Traffic study- when required.**

- 44
45 (1) A development adding more than fifty peak-hour trips shall be required to provide a traffic
46 study to enable the department of public works to make a concurrency determination in

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- 1 accordance with SCC 30.66B.125, unless the department determines at the pre-submittal
2 conference that a study is not required.
- 3
- 4 (2) Applicants for mineral operations submitted in accordance with chapter ((30.31D)) 30.32C
5 SCC shall be required to provide a traffic study to enable the department of public works to
6 analyze and assess appropriate mitigation for impacts to the road system resulting from the
7 activity.
- 8
- 9 (3) A traffic study may be required of a developer to analyze a potential inadequate road
10 condition pursuant to SCC 30.66B.210.
- 11
- 12 (4) A developer shall provide a traffic study for developments that add three or more peak-hour
13 trips when the department of public works determines there is a need for additional information
14 on:
 - 15 (a) Impacts of the development on any arterial units in arrears and/or designated
 - 16 ultimate capacity arterial units;
 - 17 (b) A development's traffic distribution;
 - 18 (c) A possible inadequate road condition;
 - 19 (d) Adequacy of any road system impact fee required pursuant to this chapter, in
 - 20 representing reasonable and/or adequate mitigation for that particular development; or
 - 21 (e) A suspected traffic impact that may warrant mitigation beyond that provided through
 - 22 the road system impact fee payment system.
- 23
- 24 (5) The traffic study will consist of at least a traffic generation and distribution analysis but may
25 be as extensive as analyzing all arterial units on the road system wherever three or more peak-
26 hour trips from the development are added.
- 27
- 28 (6) A traffic study or other additional information may be required as a result of changes in the
29 development proposal.
- 30
- 31 (7) The director of public works may waive the requirement for a traffic study and so state the
32 finding in the pre-submittal conference-scoping sheet, if the director finds there is sufficient
33 information known about a development's road system from previous traffic studies. In such
34 cases, the existing information will be used to establish any necessary traffic mitigation
35 requirements to be recommended in the review of the development.
- 36
- 37 (8) Developments impacting roads under the jurisdiction of the WSDOT, a city or another
38 county, shall provide a traffic study to address impacts of the development, as may be required
39 in an interlocal agreement pursuant to SCC 30.61.230(6) with the WSDOT, city or other county.
- 40

41 Section 46. Snohomish County Code section 30.66B.080, last amended by Ordinance
42 16-010 on June 1, 2016, is amended to read:

43
44 **SCC 30.66B.080 Authorization for administrative rules.**

45
46 The director of the department of public works is authorized to adopt administrative rules
47 pursuant to chapter 30.82 SCC to administer this chapter. The administrative rules shall set

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1 forth any necessary procedural requirements to allow for the efficient processing of
2 development applications. The director of public works shall adopt administrative rules that
3 include, but are not limited to, the following topics:
4

- 5 (1) Traffic studies. scope, format, required elements, processing and review in accordance with
6 sound transportation engineering and planning principles;
7
- 8 (2) Level-of-service determination. methodology, data collection, forecasting;
9
- 10 (3) Multimodal arterials. criteria for designating arterials as multimodal;
11
- 12 (4) Inadequate road conditions. criteria for identification;
13
- 14 (5) Frontage improvements. standards, variables;
15
- 16 (6) Mitigation measures. extent, timing, and agreements;
17
- 18 (7) Master road improvement programs. processing;
19
- 20 (8) Transportation demand management (TDM) for developments;
21
- 22 (9) Review of applications for mineral operations submitted in accordance with chapter
23 ((~~30.31D~~) **30.32C**. SCC generating significant numbers of large trucks including traffic study
24 requirements, impact analysis, and mitigation requirements;
25
- 26 (10) Ultimate capacity designations consistent with SCC 30.66B.110; and
27
- 28 (11) Concurrency requirements for certain public facilities needed to support residential
29 development.
30

31 Section 47. Snohomish County Code section 30.67.560, added by Amended Ordinance
32 12-025 on June 6, 2012, is amended to read:
33

34 **SCC 30.67.560 Mining.**

35 Mining is the removal and primary processing of naturally occurring materials including sand,
36 gravel, rock, soil, peat or precious metals for economic use. Mining activities also include in-
37 water and in-channel dredging activities related to mineral extraction.
38

- 39 (1) The following general regulations apply to mining activities in shorelines:
 - 40 (a) Mining activities are allowed in shoreline jurisdiction only when necessary as an
41 integral part of the following project types:
 - 42 (i) Ecological restoration or enhancement;
 - 43 (ii) Flood hazard management, provided that:
 - 44 (A) The project is recommended in a Snohomish County flood hazard
45 management plan and is consistent with chapter SCC 30.65 SCC and
46 SCC 30.67.540; and

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- 1 (B) A geotechnical or engineering analysis demonstrates that the
- 2 proposed mining will result in long-term flood hazard reduction benefits;
- 3 (iii) To alleviate an emergency situation as defined in SCC 30.91E.100 and
- 4 subject to the following conditions:
- 5 (A) The mining activity is the minimum necessary to alleviate the
- 6 emergency situation;
- 7 (B) The permit procedures for emergency modifications or construction in
- 8 SCC 30.67.470 are satisfied; and
- 9 (C) When related to alleviation of a flood hazard emergency, the mining
- 10 activity meets the standards in SCC 30.44.280;
- 11 (iv) Mineral extraction and use for forest practices, provided that:
- 12 (A) The mining activity is conducted more than 200 feet from the ordinary
- 13 high water mark of shorelines of statewide significance; and
- 14 (B) the appropriate notifications, approvals or permits are obtained
- 15 pursuant to chapter 76.09 RCW;
- 16 (v) Removal of mineral resources deposited above the ordinary high water mark
- 17 by flood events onto designated agricultural lands under the county’s
- 18 comprehensive plan for the purpose of maintaining or restoring land for
- 19 agricultural activities; or
- 20 (vi) Dredging allowed pursuant to SCC 30.67.530.
- 21 (b) Removal of mineral resources shall comply with the following standards:
- 22 (i) The mining activity shall not occur in critical saltwater habitat, primary
- 23 association areas for critical species, or in salmonid spawning habitat except in
- 24 conjunction with an approved habitat restoration or enhancement project;
- 25 (ii) Mining activities shall not disrupt natural hydrology or sedimentation
- 26 processes including but not limited to littoral drift, accretion, feeder bluffs or other
- 27 sediment transport;
- 28 (iii) Mining activities shall not result in channelization of normal stream flows,
- 29 interfere with natural hydraulic processes such as channel migration, undermine
- 30 existing structures or downstream stream banks, or increase risk of stream
- 31 avulsion;
- 32 (iv) Mining activities shall not result in a net loss of shoreline ecological functions
- 33 or impair migration of anadromous fish; and
- 34 (v) Mining activities waterward of the ordinary high water mark of a river,
- 35 including bars and islands, shall not be permitted unless:
- 36 (A) Removal of specified quantities of sand and gravel or other materials
- 37 at specific locations will not adversely affect the natural processes of
- 38 gravel transportation for the river system as a whole;
- 39 (B) The mining and any associated permitted activities will not have
- 40 significant adverse impacts on habitat for critical species or cause a net
- 41 loss of ecological functions of the shoreline;
- 42 (C) The determinations made pursuant to SCC 30.67.560(1)(b)(v)(A) and
- 43 (B) shall be made consistent with RCW 90.58.100(1) and WAC 173-26-
- 44 201(2)(a). Such evaluation of impacts should be appropriately integrated
- 45 with relevant critical area and environmental review requirements
- 46 pursuant to chapters 30.61, 30.62A and 30.62B SCC; and

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- 1 (D) In considering renewal, extension or reauthorization of gravel bar and
- 2 other in-channel mining operations in locations where they have
- 3 previously been conducted, the department shall require compliance with
- 4 the SMP and chapter ((30.31D)) 30.32C SCC.
- 5 (c) Permit requirements for mining should be coordinated with the requirements of
- 6 chapter 78.44 RCW and chapters ((30.31D)) 30.32C and 30.44 SCC.
- 7 (d) Mining activities which meet the definition of "dredging" in SCC 30.91D.445 shall
- 8 comply with SCC 30.67.530.
- 9 (e) Mining within any channel migration zone that is within shoreline jurisdiction shall
- 10 require a shoreline conditional use permit.
- 11 (f) Proposed subsequent use of mined property shall be consistent with the provisions
- 12 of the shoreline environment designation in which the property is located and
- 13 reclamation of disturbed shoreline areas shall restore all shoreline ecological functions
- 14 adversely impacted by the mining activities.

- 15
- 16 (2) In addition to the general regulations contained in SCC 30.67.560(1), the following shoreline
- 17 environment designation-specific regulations for mining apply:
- 18 (a) Mining activities allowed pursuant to SCC 30.67.560(1)(a) are conditionally
- 19 permitted in all shoreline environments, except that mining activities related to forest
- 20 practices as described in SCC 30.67.560(1)(a)(iv) are permitted in the Resource and
- 21 Municipal Watershed Utility environments unless subject to a conditional use permit
- 22 pursuant to SCC 30.67.560(1)(e).
- 23 (b) Except when allowed pursuant to SCC 30.67.560(1)(a), mining activities for the sole
- 24 purpose of obtaining fill or commercial sale or processing of mineral resources are
- 25 prohibited in all shoreline environments.
- 26 (c) Non-conforming mining activities are subject to the requirements in SCC 30.44.125
- 27

28 Section 48. Snohomish County Code section 30.91E.230, last amended by Amended
29 Ordinance 15-034 on September 2, 2015, is amended to read:

30
31 **SCC 30.91E.230 Excavation.**

32 "Excavation" means the mining or quarrying or other mechanical removal of sand, gravel,
33 bedrock or precious metals including underground shaft operations, but excluding:

- 34
- 35
- 36 (1) Land disturbing activity for building construction where such construction is authorized by a
- 37 valid building permit; or
- 38
- 39 (2) Tilling of soil for agricultural purposes; or
- 40
- 41 (3) Any excavation:
- 42 (a) Which does not alter a drainage course, and
- 43 (b) Which has less than two feet of mean average depth, or which does not create a cut
- 44 slope greater than five feet in height and steeper than one and one-half horizontal to one
- 45 vertical, and

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1 (c) Located in an MR, LDMR, R-7200, R-8400, R-9600, R-12,500 or WFB zone, where
2 the cubic yardage excavated from contiguous land under common ownership shall never
3 exceed 500 cubic yards, and

4 (d) Located in any zone other than those listed in the preceding subsection, where the
5 cubic yardage excavated from contiguous land under common ownership shall never
6 exceed 2,000 cubic yards. The distinction between zones which is provided in this and
7 the preceding subsections shall be observed notwithstanding cross-referencing between
8 zones which may be found elsewhere in this title.
9

10 *This definition applies only to chapters 30.22, 30.23, 30.25, (~~30.31D,~~) 30.32C and 30.63B*
11 *SCC.*
12
13

14 Section 49. Severability. If any section, sentence, clause or phrase of this ordinance is
15 held to be invalid by the Growth Management Hearings Board (“Board”), or unconstitutional by a
16 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
17 constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided,
18 however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by
19 the Board or a court of competent jurisdiction, then the section, sentence, clause or phrase in
20 effect prior to the effective date of this ordinance shall be in full force and effect for that
21 individual section, sentence, clause or phrase as if this ordinance had never been adopted.
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EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
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PASSED this _____ day of _____, 2018.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Council Chair

ATTEST:

Asst. Clerk of the Council

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

DATE:

County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney

EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
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Exhibit A
Ordinance No. 21-____

Amendments to the Land Use Chapter of the GPP

Mineral Lands

Snohomish County has a wealth of mineral resources including sand, gravel and bedrock with additional deposits of precious metals located primarily in the mountainous region within the national forest lands. It is the intent of the county to preserve these resource areas for future access to the minerals. However, it is also the intent of the county to identify adjacent incompatible uses and to balance the resource land needs with those of the surrounding land owners and the environment.

The mineral resource lands subelement is intended to:

- identify and designate mineral resource lands;
- ensure that these lands continue to be available for mining;
- minimize the impacts of mining on the environment, communities, and other land uses; and
- ensure that mining sites are left in a condition compatible with subsequent uses.

The foundation of the mineral resource lands subelement is the goals and requirements of the GMA (RCW 36.70A), the minimum guidelines for classifying resource lands (WAC 365-190) and the direction provided in the 1995 General Policy Plan for detailed mineral lands planning.

The Growth Management Act requires counties to identify and conserve natural resource lands (RCW 36.70A.060). This includes designating mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals (RCW

36.70A.170). Conservation in this context is intended to maintain such lands for potential mineral extraction. Counties must also protect these lands by ensuring that the use of adjacent lands does not interfere with mineral extraction. (RCW 36.70A.060(1)).

Policies in the 1995 Snohomish County General Policy Plan directed the county to identify and designate an adequate supply of mineral resource deposits to meet the 20-year projected demand in Snohomish County. In 1997, Snohomish County initiated the mineral resource lands planning project to fulfill this directive. A Mineral Lands Task Force was established in 1998 to provide input to the county during the planning process.

A geologic inventory was completed in 1999 and identification and classification of mineral resource lands was completed in 2000 after analysis of alternative designation approaches. Associated policy and regulatory measures were then developed and evaluated in a Draft Supplemental Environmental Impact Statement issued November 21, 2001, an Addendum issued July 5, 2002, and a Final Supplemental Environmental Impact Statement issued August 6, 2003. Five public workshops were conducted between January and July, 2002.

Public hearings were held by the planning commission in November 2002 and the county council in July and August 2003. Public input prompted further review and analysis to address land use compatibility, traffic impacts and groundwater concerns. In 2004, representatives from the mineral resource industry participated in analysis of

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the supply and demand for minerals expected through 2025 and forecasts of the resulting heavy truck traffic.

Mineral resource land designation and the associated policies in this subelement are based on:

- a geologic inventory supplemented by parcel specific resource data;
- a hierarchical classification of resources based on resource quality and quantity;
- designation criteria consistent with WAC 365-190-170 addressing resource value, land use compatibility and environmental concerns; and
- policies to minimize potential land use, environmental and transportation conflicts while recognizing the economic necessity of the mineral resource industry.

The mineral resource land designation represents a reduction in area from the overall resource inventory, which identified 177,000 acres of potentially viable mineral resource deposits. Areas were excluded from consideration based on jurisdictional and legal issues, environmental constraints and land use compatibility. Of the 177,000 acres identified in the inventory, 131,000 acres are designated as an overlay (Mineral Resource Overlay or MRO) on the Future Land Use Map (FLUM). This represents all of the mineral resource deposits in the county which meet the criteria for volume, quality and extractability; are under county jurisdiction and are not slated for more intensive urban development; and are located in predominantly undeveloped, low density rural (10-20 acre lot size) or forest areas where land use incompatibility issues have been addressed at a countywide level. Mineral resources are also designated in

limited 5-acre rural areas at the request of landowners where it was determined that the individual sites met all of the designation criteria established in the policies.

Some mineral resource lands will see all of their commercially significant minerals extracted, the site depleted, and will require a transition to post-extractive land uses.

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The volume of mineral resources designated on the FLU map will meet demand well beyond the 20-year planning horizon. The designation and the associated policies balance the goals of the GMA to protect the resource lands, provide for a variety of rural land uses and support economic opportunities in rural areas. Designation of mineral resources in predominantly undeveloped rural areas allows rural land owners the opportunity to extract minerals from their property, provides policy direction for development patterns which can be compatible with mineral resource uses and reduces transportation costs by designating some resource supply closer to urban market areas.

Mineral resource land designation is an overlay with forest resource or rural designations underneath. Where mineral resources are designated in forest areas, mineral resource uses are allowed with appropriate permits. Where mineral resources are designated in rural areas, mineral resource uses will be preferred and other uses which would preclude future mineral extraction will be limited or required to utilize innovative site design techniques to preserve the resource deposits for future use.

Designation means that mineral resources are present, planning level environmental review has been completed and designated sites are eligible to apply for the permits needed for extraction and/or processing of minerals. Designation does *not* mean that all designated lands will become active mines or quarries. Every proposal for extraction or processing must complete additional environmental review at the project level and obtain the required permits.

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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.**

Objective LU 9.A **Identify and designate mineral resource lands that are not already characterized by urban growth and that have long term significance for the extraction of minerals.**

LU Policies 9.A.1 The county shall use the “Prospect Identification and Preliminary Classification” inventory report and maps completed December 1998, and as subsequently revised and updated based on further site-specific geologic data, to identify sand, gravel and bedrock resources potentially eligible for designation as mineral resource land. Determination of eligibility for designation considers the following criteria:

- physical properties of the resource including quality and type;
- depth of the resource;
- depth of the overburden; and
- life of the resource.

9.A.2 The county shall exclude selected mineral resources identified on the inventory from potential designation because of legal, environmental or policy conflicts. Lands which shall be excluded are those:

- located within incorporated city, Urban Growth Area, or National Forest boundaries;
- identified as Tulalip Tribal Trust Lands;
- developed at densities greater than or equal to 0.15 lot per acre (average lot size of 6.67 acres) in neighborhoods with 5 or more homes;
- containing hard-to-replace public facilities (cemeteries, schools/colleges, hospitals, libraries, parks and trails);
- designated Riverway Commercial Farmland, Upland Commercial Farmland, or Local Commercial Farmland by the Snohomish County comprehensive plan;
- designated as a shoreline environment by the Snohomish County Shoreline Management Master Program;
- located within a 300-foot Chinook Salmon/Bull Trout corridor;

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- located within a 100-year floodplain;
 - isolated islands less than 10 acres, except as provided in 9.A.3; and/or
 - land with 5-acre or smaller underlying land use designation and/or zoning, except in cases in which the landowner requests mineral resource designation and the site otherwise meets the criteria in 9.A.1 and 9.A.2.
- 9.A.3 The county shall consider proposals for mineral resource designations or extraction on islands less than 10 acres under the following conditions:
- the resource is needed for emergency purposes;
 - the resource is of an exceptional quality needed to satisfy requirements of a specific project;
 - the resource, including precious metals, is part of an official mining claim within the boundaries of the National Forest; or
 - the landowner requests mineral resource designation and the site otherwise meets all criteria in 9.A.1 and 9.A.2.
- 9.A.4 Mineral resource lands are classified and designated in the comprehensive plan as shown on the Mineral Resource Lands Map (Map 2) and in greater detail in the county’s Geographic Information System (GIS) coverage. The mineral resource land designation is an “overlay,” referred to as the Mineral Resource Overlay (MRO), to the Future Land Use Map designation of the comprehensive plan.
- 9.A.5 When interpreting the Mineral Resource Lands Map at the project level, any parcel shown on the map to contain any amount of designated mineral resource shall be considered to be designated for the purpose of eligibility to submit permit applications.
- 9.A.6 Designation as mineral resource land signifies that the use of mineral lands has been anticipated and evaluated at an area-wide level in terms of potential environmental impacts. The environmental documents associated with the mineral lands subelement may be used, as permitted by the SEPA rules, when making threshold determinations and/or preparing environmental documents.
- 9.A.7 Designation as mineral resource land indicates eligibility for permitting by the county as a mineral excavation site and that, at the comprehensive plan level, such land is potentially appropriate for mineral excavation.

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- 9.A.8 Designation as mineral resource land does not substitute for any permit or approval required for mineral extraction and should not create a presumption of approval for any required permits.
- 9.A.9 Certain undesignated lands are eligible for permitting by the county under the following conditions:
- expansion of existing legally established mineral operations onto adjacent undesignated land where a portion of the existing site has been designated or zoned Mineral Conservation;
 - private actions within National Forest boundaries for extraction of mineral resources, including precious metals, where the proponent’s rights to the minerals have been acknowledged by the Bureau of Land Management; or
 - mining activities allowed and subject to standards of the Shoreline Management Program as an integral part of certain projects, including, but not limited to:
 - Ecological restoration or enhancement
 - Flood hazard management
 - To alleviate an emergency situation
 - For use in forest practices
 - Removal of mineral resources deposited above the ordinary high water mark by flood events onto designated agricultural lands under the county’s comprehensive plan for the purpose of maintaining or restoring land for agricultural activities; or
 - Dredging.
- 9.A.10 Presence or absence of a mineral resource land designation does not change the current conditional use or legal non-conforming use status of existing mining sites.
- 9.A.11 Retention of conditional use or non-conforming use status for existing mine sites shall not exclude county monitoring, review or certification under updated policies and rules developed after the effective date of the Growth Management Act.
- 9.A.12 Landowner requests for changes in the mineral resource land designations shall be subject to the county’s GMA comprehensive plan amendment process. Such requests should be reviewed for consistency with LU Policies 9.A.1, 9.A.2 and 9.A.3.

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
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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.

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.

9.A.~~((14))~~15 The county may consider removing the mineral resource designation, by amendment to the comprehensive plan, from sites where substantial evidence of unique circumstances determines that mineral excavation is not an appropriate use for the site.

9.A.~~((15))~~16 RESERVED

9.A.~~((14))~~17 The county shall investigate the economic viability requirements of the mineral industry and review and amend, as appropriate, the mineral lands designation criteria in Policy LU 9.A.2.

Objective LU 9.B Protect designated mineral resource lands from development that would prevent future excavation on those lands.

LU Policies 9.B.1 The county shall establish and retain a rural residential or commercial forest comprehensive plan designation and implementing zoning for mineral resource land.

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- 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.
- 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.
- 9.B.4 The county will maintain mineral resource maps and/or GIS data and provide this resource information to landowners who wish to investigate resource potential on their lands.

Objective LU 9.C Ensure that the use of lands adjacent to designated mineral resource lands does not interfere with the use of these lands for the extraction of minerals.

- LU Policies** 9.C.1 A mineral lands notice ordinance shall require that all plats, short plats, development permits, and building permits issued for development activities on or within two thousand feet of lands designated as mineral resource contain a notice that the subject property is within or near designated mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.
- 9.C.2 The county shall maintain five-acre or larger minimum lot size comprehensive plan designations of rural lands adjacent to designated mineral resource lands.
- 9.C.3 The county shall require the use of rural cluster subdivision for subdivision of rural residential lands (e.g. 1 du/5 acres, 1 du/10 acres,

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or 1 du/20 acres) adjacent to designated mineral resource lands. Residential lots within the development shall be located as far as possible from designated resource lands.

9.C.4 The county shall consider open space, forestry, rural industry, agriculture or recreational uses as preferred land uses on parcels adjacent to designated mineral resource lands in future amendments to the comprehensive plan.

Objective LU 9.D

Ensure that the impacts of mineral extraction, processing and transporting are adequately addressed and mitigated in the permit review process.

LU Policies 9.D.1

The county shall adequately address and mitigate on-site and off-site impacts of mineral operations and transporting in the permit review process. Impact assessment shall include, at a minimum:

- Evaluation of impacts to the natural environment and critical areas both on- and off-site with particular attention to geologic hazards, impacts to groundwater used for potable supply, and fish habitat;
- Evaluation of impacts to adjacent properties including use compatibility, health, safety and welfare; and
- Evaluation of traffic impacts including safety, congestion, road characteristics and conditions, and non-vehicular users along roads impacted by large trucks generated by mineral operations taking into consideration the size, weight and performance characteristics of the large trucks.

9.D.2 As part of the permit review process for mineral extraction and processing uses, the county shall consider the impact analysis completed for this plan’s environmental documents, which identifies areas with moderate to high land use, watershed and/or transportation impacts, when requesting information for permit applications, making threshold determinations or preparing site-specific environmental documents.

9.D.3 The county will evaluate transportation and hauling impacts as part of an individual site specific permit application.

9.D.4 The county shall coordinate with the mineral industry and stakeholder groups to develop a mineral lands strategy addressing education and outreach; data collection and tracking; and economic development.

9.D.5 Protection of groundwater resources is of primary importance thus the county shall require hydrogeologic site evaluations, mitigation plans and/or groundwater monitoring programs when conditions merit. The county shall also require contingency plans for alternate

**EXHIBIT A – PROPOSED COMPREHENSIVE PLAN, CODE, AND ZONING MAP REVISIONS
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potable water supply in the event of groundwater contamination or aquifer breach directly resulting from mineral operations.

- 9.D.6 Application of the criteria in policy 9.A.2 results in elimination of Shorelines of the State from mineral resource designation. Therefore, proposals including mineral operations within Shorelines of the State shall not be eligible for permits from the county.

Objective LU 9.E **Ensure that jurisdictions potentially affected by mineral extraction activities are consulted when mineral permit applications are submitted to the county.**

LU Policies 9.E.1 Request-for-review comments on mining proposals shall be solicited from all nearby and affected cities, Indian Tribes and state and federal landowners.

9.E.2 The county shall consider interlocal agreements with jurisdictions already impacted by established mines, including, but not limited to: Gold Bar, Sultan, Monroe and Granite Falls.

9.E.3 The county shall coordinate with affected jurisdictions when reviewing new applications for mineral operations.

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.**

LU Policies 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.

9.F.2 The county shall utilize available opportunities to ensure that mine site excavation and reclamation are consistent with county, city and tribal land use plans and the state Surface Mine Reclamation Act (RCW 78.44).

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.

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**Exhibit B
Ordinance No. 21-____
GPP21-__ – Mineral Resource
Amendments to Map 2-Mineral Resource Lands of the GPP**

[INSERT MAP FOR FINAL VERSION WITH MRO AFFIXED TO ALL LANDS ZONED MC]

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RELATING TO MINERAL RESOURCE LAND POLICIES AND REGULATIONS**

**Exhibit C
Ordinance No. 21-____
GPP21-__ – Mineral Resource
Amendments to the Zoning Map**

**[INSERT MAP FOR FINAL VERSION WITH ALL LANDS ZONED MC REZONED
ACCORDING TO THE FOLLOWING TABLE]**

If the comprehensive plan future land use map designation is:	Rezone the MC zone to:
Commercial Forest (CF)	Forestry (F)
Commercial Forest-Forest Transition Area (CF-FTA)	Forestry (F)
Low Density Rural Residential-20 acre (LDRR/20)	Forestry (F)
Riverway Commercial Farmland (RCF)	Agriculture-10 acre (A-10)
Local Commercial Farmland (LCF)	Agriculture-10 acre (A-10)
Rural Residential-5 acre (RR/5)	Rural-5 acre (R-5)