

Index of Records					
Areawide Rezones Ordinance 23-050 (2023-0513)					
Hearing Date: Wednesday, July 19, 2023 @ 10:30 a.m.					
Council Staff: Ryan Countryman		PDS Staff: David Killingstad		DPA: Jutin Kasting	
<i>Click on exhibit number to view document</i>					
EXHIBIT	RECORD TYPE	DATE	RECEIVED FROM	EXHIBIT DESCRIPTION	# OF PAGES
2.0 Planning Commission					
2.0003	Staff Report	02/10/23	David Killingstad, PDS Staff	Briefing to Planning Commission: Mineral Lands County-Initiated Areawide Rezones	4
2.0011	Letter	03/31/23	Planning Commission	Planning Commission Recommendation	2
3.1 ECAF and Materials					
3.1.001	ECAF	05/10/23	Executive/PDS	Transmitting Executive initiated Ordinance	2
3.1.002	Ordinance	05/10/23	Executive/PDS	Introduced Ordinance	13
3.1.003	Introduction	05/10/23	Councilmember Nate Nehring	Introduction Slip	1
3.2 Council Planning Committee Materials					
3.2.001	Staff Report	06/20/23	Ryan Countryman, Council Staff	Council Staff Report	1
3.2.002	Maps	06/20/23	David Killingstad, PDS Staff	Presentation at Planning Committee	8
3.2.003	Minutes	06/20/23	Council Staff	Link to Minutes and Video of Planning and Community Development Committee Meeting 06/20/23	1
3.3 Correspondence, Comments, Testimony					

3.4 Staff Reports and Submissions					
3.5 Public Participation					
3.6 Council Deliberations					

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Project Name **County-initiated Areawide Rezones-Mineral Lands**

Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
1.0001	SEPA Documents	2/8/2023	Everett Herald	Affidavit of Publication SEPA DNS	1
1.0002	SEPA Documents	2/7/2023	David Killingstad	DNS and Checklist-Rezones	23
1.0003	SEPA Documents	2/7/2023	David Killingstad	DNS Postcard Notice-Rezones	1
1.0004	SEPA Documents	2/7/2023	David Killingstad	DNS with Signature Block	2
1.0005	Public Outreach	2/6/2023	SnoCo PDS GIS	Site and Taxpayer of Record Addresses for notice	12
1.0006	Staff Research	1/23/2023	Snoco PDS GIS	Mineral Rezones	2
1.0007	Staff Research	10/6/2021	County Council	Amended Ordinance No. 21-060	115
1.0008	Public Comment	4/3/2023	Kyler M. Danielson	Email to David Killingstad RE: Mailing List	1
1.0009	Public Comment	3/7/2023	Ken Foye	Email to David Killingstad RE: Information	1
1.0010	Public Comment	3/7/2023	Omar Gomez	Email to David Killingstad RE: Information	1
1.0011	Public Comment	3/7/2023	Colleen DeJong	Email to David Killingstad RE: Information	1
1.0012	Public Comment	3/9/2023	Robin Western	Email to David Killingstad RE: Information	1
1.0013	Public Comment	3/13/2023	Wade Erickson	Email to David Killingstad RE: Information	1
1.0014	Public Comment	3/13/2023	Glenn Gustafson	Email to David Killingstad RE: Information	1
1.0015	Public Comment	3/6/2023	Kris Birch	Email to David Killingstad RE: Information	1
1.0016	Public Comment	3/7/2023	Brandon Akers	Email to David Killingstad RE: Information	1
1.0017	Public Comment	3/17/2023	D. Ellsworth	Email to David Killingstad RE: Information	1
1.0018	Public Comment	3/10/2023	Ameresia Lawlis	Email to David Killingstad RE: Information	1
1.0019	Public Comment	3/7/2023	<i>Melody E Dawson</i>	Email to David Killingstad RE: Information	1
1.0020	Public Comment	11/7/2022	John Bissell	Email to David Killingstad RE: Information	2
1.0021	Public Comment	3/6/2023	Terry Broman	Email to David Killingstad RE: Information	1
1.0022	Public Comment	3/7/2023	Constance Stevenson	Email to David Killingstad RE: Information	1
1.0023	Public Comment	3/6/2023	Brian and Margaret Anderson	Email to David Killingstad RE: Information	1
1.0024	Public Comment	3/6/2023	Melissa Wood	Email to David Killingstad RE: Information	1
1.0025	Public Comment	3/9/2023	Michael Frymire	Email to David Killingstad RE: Information	1
1.0026	Public Comment	3/6/2023	Peg Fern	Email to David Killingstad RE: Information	1
1.0027	Public Comment	3/15/2023	Patricia Masar	Email to David Killingstad RE: Information	1
1.0028	Public Comment	3/10/2023	David Killingstad	Email to Ken Foye	1
1.0029	Public Comment	3/7/2023	David Killingstad	Email to Carol DeJong	1
1.0030	Public Comment	3/9/2023	David Killingstad	Email to Robin Western	1
1.0031	Public Comment	3/13/2023	David Killingstad	Email to Wade Erickson	1
1.0032	Public Comment	3/13/2023	David Killingstad	Email to Glen Gustafson	1
1.0033	Public Comment	3/7/2023	David Killingstad	Email to Kris Birch	1
1.0034	Public Comment	3/7/2023	David Killingstad	Email to Brandon Akers	1
1.0035	Public Comment	3/17/2023	David Killingstad	Email to D. Ellsworth	1
1.0036	Public Comment	3/13/2023	David Killingstad	Email to Ameresia Lawlis	1
1.0037	Public Comment	3/7/2023	David Killingstad	Email to Melody E Dawson	1
1.0038	Public Comment	3/7/2023	Melody Dawson	Email to David Killingstad	1
1.0039	Public Comment	3/7/2023	David Killingstad	Email to Omar Gomez	1
1.0040	Public Comment	3/7/2023	David Killingstad	Email to Terry Broman	1
1.0041	Public Comment	3/7/2023	David Killingstad	Email to Ken Foye	1
1.0042	Public Comment	3/8/2023	David Killingstad	Email to Constance Stevenson	1
1.0043	Public Comment	3/6/2023	David Killingstad	Email to Brian and Margaret Anderson	1
1.0044	Public Comment	3/7/2023	David Killingstad	Email to Melissa Wood	1
1.0045	Public Comment	3/9/2023	David Killingstad	Email to Michael Frymire	1

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Project Name **County-initiated Areawide Rezones-Mineral Lands**

Part 1 - DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
1.0046	Public Comment	3/6/2023	David Killingstad	Email to Peg Ferm	1
1.0047	Public Comment	3/16/2023	David Killingstad	Email to Patricia Masar	1
1.0048	Public Comment	3/6/2023	Jeremy P. Felty	Email to David Killingstad RE: Information	1
1.0049	Public Comment	3/6/2023	David Killingstad	Email to Jeremy P. Felty	1
1.0050	Public Comment	1/10/2023	John Bissell	Email to David Killingstad RE: Ryatt Pit	2
1.0051	Public Comment	1/10/2023	John Bissell	Email to David Killingstad RE: Ryatt Pit	2
1.0052	Public Comment	1/19/2023	John Bissell	Email to David Killingstad RE: Ryatt Pit	2
1.0053	Public Comment	1/25/2023	John Bissell	Email to David Killingstad RE: Ryatt Pit	2
1.0054	Public Outreach	2/2/2023	Department of Commerce	60-day Submittal Acknowledgement	1
1.0055	Public Outreach	2/2/2023	Department of Commerce	60-day Submittal Acknowledgement	1
<i>*Contact the Clerk of the Council for copies of part 1 Exhibits - 425-388-3494 or contact.council@snoco.org</i>					

Index of Records					
Project Name		County-initiated Areawide Rezones-Mineral Lands			
Part 2 - PLANNING COMMISSION					
Exhibit #	Record Type	Date	Received From	Exhibit Description	# of Pages
2.0001	Public Outreach	2/14/2023	Planning Commission	Planning Commission Agenda (Briefing)	3
2.0002	Public Outreach	2/28/2023	The Herald	Affidavit of Agenda publication in The Herald (Briefing)	3
2.0003	Legislative Documents	2/13/2023	PDS Staff	Staff Report (Briefing)	4
2.0004	Public Outreach	2/22/2023	PDS Staff	Presentation (Briefing)	15
2.0005	Public Outreach	3/29/2023	Planning Commission	Planning Commission Written Meeting Minutes (Briefing)	6
2.0006	Public Outreach	3/1/2023	Planning Commission	Planning Commission Recording of Meeting (Briefing)	N/A
2.0007	Public Outreach	3/13/2023	Planning Commission	Planning Commission Agenda (Hearing)	4
2.0008	Public Outreach	3/28/2023	The Herald	Affidavit of Agenda publication in The Herald (Hearing)	3
2.0009	Public Outreach	4/26/2023	Planning Commission	Planning Commission Written Meeting Minutes (Hearing)	5
2.0010	Public Outreach	3/28/2023	Planning Commission	Planning Commission Meeting Recording (Hearing)	N/A
2.0011	Public Outreach	5/2/2023	Planning Commission	Recommendation Letter to County Council	2
<i>*Contact the Clerk of the Council for copies of part 2 Exhibits - 425-388-3494 or contact.council@snoco.org</i>					

1 Adopted:
2 Effective:

3 SNOHOMISH COUNTY COUNCIL
4 Snohomish County, Washington

5
6 ORDINANCE NO. 23-050

7
8 RELATING TO GROWTH MANAGEMENT, AMENDING THE SNOHOMISH COUNTY ZONING
9 MAP TO CORRECT ERRORS IN THE IMPLEMENTATION OF AMENDED ORDINANCE NO. 21-
10 060

11
12 WHEREAS, counties and cities that are required to plan under the Growth Management Act
13 (GMA), chapter 36.70A RCW, must ensure their comprehensive plans and zoning are consistent; and

14
15 WHEREAS, on October 6, 2021, the Snohomish County Council (“County Council”) adopted
16 Amended Ordinance No. 21-060 which removed the Mineral Conservation zone from the Snohomish
17 County Code and included several County-initiated areawide rezones; and

18
19 WHEREAS, in interpreting the map attached to Amended Ordinance No. 21-060, Snohomish
20 County Planning and Development Services (PDS) staff inadvertently applied the incorrect zoning to
21 eight areas by rezoning the areas to Rural-5 acre (R-5) instead of Forestry (F); and

22
23 WHEREAS, to maintain consistency between the County’s GMA Comprehensive Plan (GMACP)
24 and the County’s zoning maps these eight areas must be rezoned to the Forestry zone; and

25
26 WHEREAS, on February 28, 2023, the Snohomish County Planning Commission (the “Planning
27 Commission”) was briefed by PDS staff about the proposed County-initiated areawide rezones contained
28 in this ordinance; and

29
30 WHEREAS, the Planning Commission held a public hearing on March 28, 2023, to receive public
31 testimony concerning the proposed zoning map amendments contained in this ordinance; and

32
33 WHEREAS, at the conclusion of the Planning Commission’s public hearing, the Planning
34 Commission deliberated on the proposed ordinance and voted to recommend approval of zoning map
35 amendments contained in this ordinance as shown in its approval letter dated March 31, 2023; and

36
37 WHEREAS, on _____, 2023, the County Council held a public hearing after proper
38 notice, and considered public comment and the entire record related to the zoning map amendments
39 contained in this ordinance;

40
41 NOW, THEREFORE, BE IT ORDAINED:

42
43 Section 1. The County Council adopts the following findings in support of this ordinance:

- 1
2 A. The foregoing recitals are adopted as findings as if set forth in full herein.
3
4 B. This ordinance amends the Snohomish County Zoning Map to rezone eight areas totaling
5 approximately 700 acres from Rural-5 to Forestry zoning.
6
7 C. The zoning map amendments are consistent with the requirements of the GMA and are guided by
8 and supportive of the GMA planning goals found in RCW 36.70A.020 including the goal of timely and
9 predictable permits processing (RCW 36.70A.020 (7)) and the goal of maintaining natural resource-
10 based industries (RCW 36.70A.020(8)) – the amendments will protect the availability of mineral
11 resources within the County.
12
13 D. The zoning map amendments are consistent with the Multicounty Planning Policies (MPPs) from the
14 Puget Sound Regional Council VISION 2050 to protect the availability of mineral resources within the
15 County including:
16
17 1. “Support the sustainability of designated resources lands. Do not convert these lands to
18 other uses.” (MPP-DP-42)
19 2. “Ensure that resource lands and their related economic activities are not adversely impacted
20 by development on non-resource lands.” (MPP-DP-43)
21
22 E. The zoning map amendments are consistent with the Countywide Planning Policies (CPPs) to protect
23 the availability of mineral resources within the county including:
24
25 “CPP-ED-9 – As appropriate, the County and cities should adopt plans, policies, and regulations
26 that preserve designated industrial, commercial, agricultural, and resource land base for long-
27 term regional economic benefit. “
28
29 F. The zoning map amendments are consistent with the GMACP - General Policy Plan (GPP) which
30 requires the protection of the availability of mineral resources within the County including:
31
32 “GOAL LU 9 Conserve mineral resource lands for mineral extraction, minimize the detrimental
33 effects of mineral extraction on the environment and other land uses, and plan for the eventual
34 post-extractive use of mine sites.”
35
36 G. Procedural requirements.
37
38 1. Under Snohomish County Code, this ordinance is a Type 3 legislative action pursuant to SCC
39 30.73.010.
40
41 2. As required by RCW 30.70A.106(1), a notice of intent to adopt the proposed code amendments
42 was transmitted to the Washington State Department of Commerce for distribution to state
43 agencies on February 7, 2023.

- 1
- 2 3. State Environmental Policy Act (SEPA), chapter 43.21C RCW, requirements with respect to this
- 3 non-project action have been satisfied through the completion of an environmental checklist
- 4 and the issuance of a determination of non-significance on February 7, 2023.
- 5
- 6 4. The public participation process used in the adoption of this ordinance complies with all
- 7 applicable requirements of the GMA and the SCC, including but not limited to, RCW 36.70A.035,
- 8 RCW 36.70A.140, and chapter 30.73 SCC.
- 9
- 10 5. The Planning Commission was briefed on the proposed amendments at its February 28, 2023,
- 11 meeting and conducted a public hearing on the proposed amendments at its March 28, 2023,
- 12 meeting resulting in its letter of March 31, 2023, recommending approval of the county-initiated
- 13 areawide rezones contained in this ordinance.
- 14
- 15 6. The Washington State Attorney General last issued an advisory memorandum, as required by
- 16 RCW 36.70A.370, in September of 2018 entitled “Advisory Memorandum and Recommended
- 17 Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional
- 18 Takings of Private Property” to help local governments avoid the unconstitutional taking of
- 19 private property. The process outlined in the State Attorney General’s 2018 advisory
- 20 memorandum was used by Snohomish County in objectively evaluating the regulatory changes
- 21 proposed by this ordinance.

22

23 H. This ordinance is consistent with the record.

24

- 25 1. Correct the zoning of eight properties that were incorrectly rezoned in 2021 under Amended
- 26 Ordinance No. 21-060 and are now inconsistent with the GMACP.

27

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

29

- 30 A. The County-initiated areawide rezones proposed by this ordinance comply with and are consistent
- 31 with the GMA.
- 32
- 33 B. The County-initiated areawide rezones proposed by this ordinance comply with and are consistent
- 34 with the GMACP.
- 35
- 36 C. The County has complied with all SEPA requirements with respect to this non-project action.
- 37
- 38 D. The public participation process used in the adoption of this ordinance complies with all applicable
- 39 requirements of the GMA and title 30 SCC.
- 40
- 41 E. The County-initiated areawide rezones proposed by this ordinance do not result in an
- 42 unconstitutional taking of private property for a public purpose.
- 43
- 44

1 Section 3. The County Council bases its findings and conclusions on the entire record of the
2 County Council, including all testimony and exhibits. Any finding, which should be deemed a conclusion,
3 and any conclusion which should be deemed a finding, is hereby adopted as such.
4

5 Section 4. The official zoning maps maintained pursuant to SCC 30.21.030 shall be revised to
6 reflect the zoning map changes adopted by the County Council as indicated in the eight maps included in
7 Exhibit A to this ordinance, which is attached hereto and incorporated by reference into this ordinance.
8

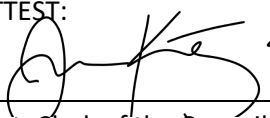
9 Section 5. Severability and Savings. If any section, sentence, clause, or phrase of this ordinance
10 shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a
11 court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
12 constitutionality of any other section, sentence, clause, or phrase of this ordinance. Provided, however,
13 that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or
14 court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the
15 effective date of this ordinance shall be in full force and effect for that individual section, sentence,
16 clause, or phrase as if this ordinance had never been adopted.
17

18 PASSED this _____ day of _____, 20__.

19
20 SNOHOMISH COUNCIL
21 Snohomish, Washington
22

23
24 _____
25 Council Chair

26 ATTEST:

27  4/25/23
28 _____
29 Asst. Clerk of the Council
30

31 () APPROVED
32 () EMERGENCY
33 () VETOED

34 DATE:
35
36 _____
37 County Executive

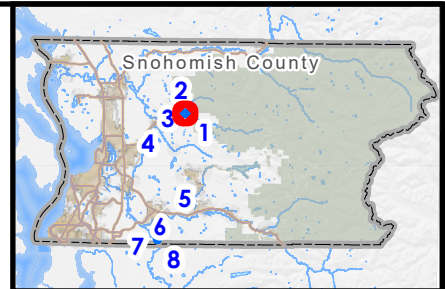
38 ATTEST:
39
40 _____
41 Approved as to form only:
42
43 _____
44 Deputy Prosecuting Attorney

Exhibit A

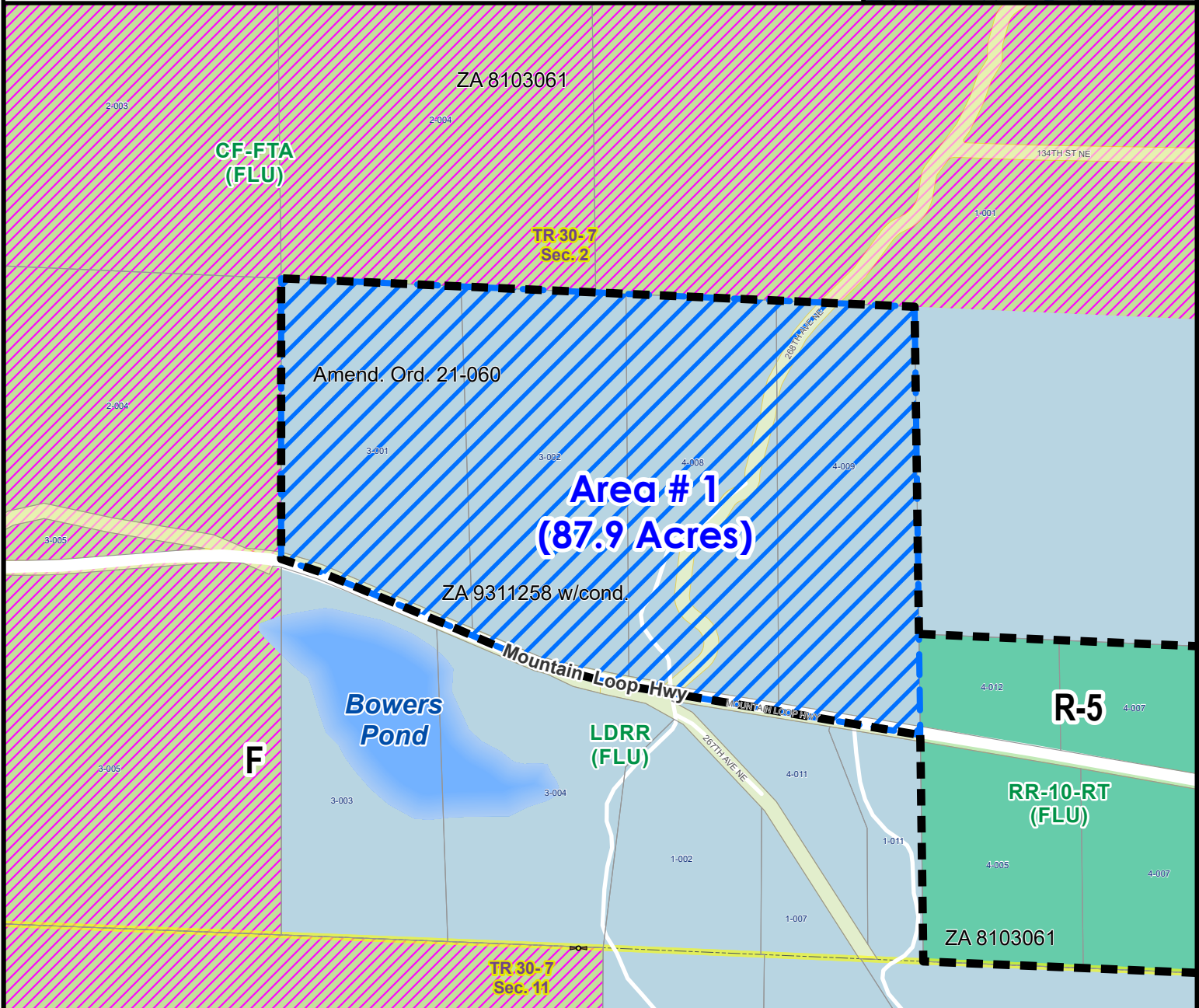
Amended Ordinance No. 23-____
Amendments to the Zoning Map






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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 1

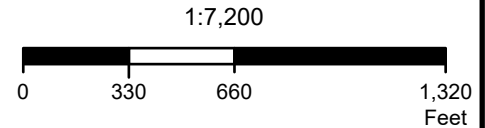


Proposed Zoning Map Adjustments



-  Proposed Rezone Areas (R-5 to Forestry)
-  Zoning Line
- Future Land Use**
-  CF-FTA: Commercial Forest - Forest Transition Area
-  LDRR: Low Density Rural Residential (1 DU/20 Acres)
-  RR-10-RT: Rural Residential-10 Resource Transition (1 DU/10 Acres)

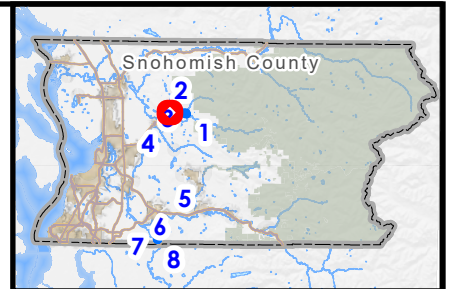
-  City Boundary
-  Road Right of Way
-  Parcels
-  Waterbodies
-  Watercourses
-  Major Roads
-  Streets
-  Sections



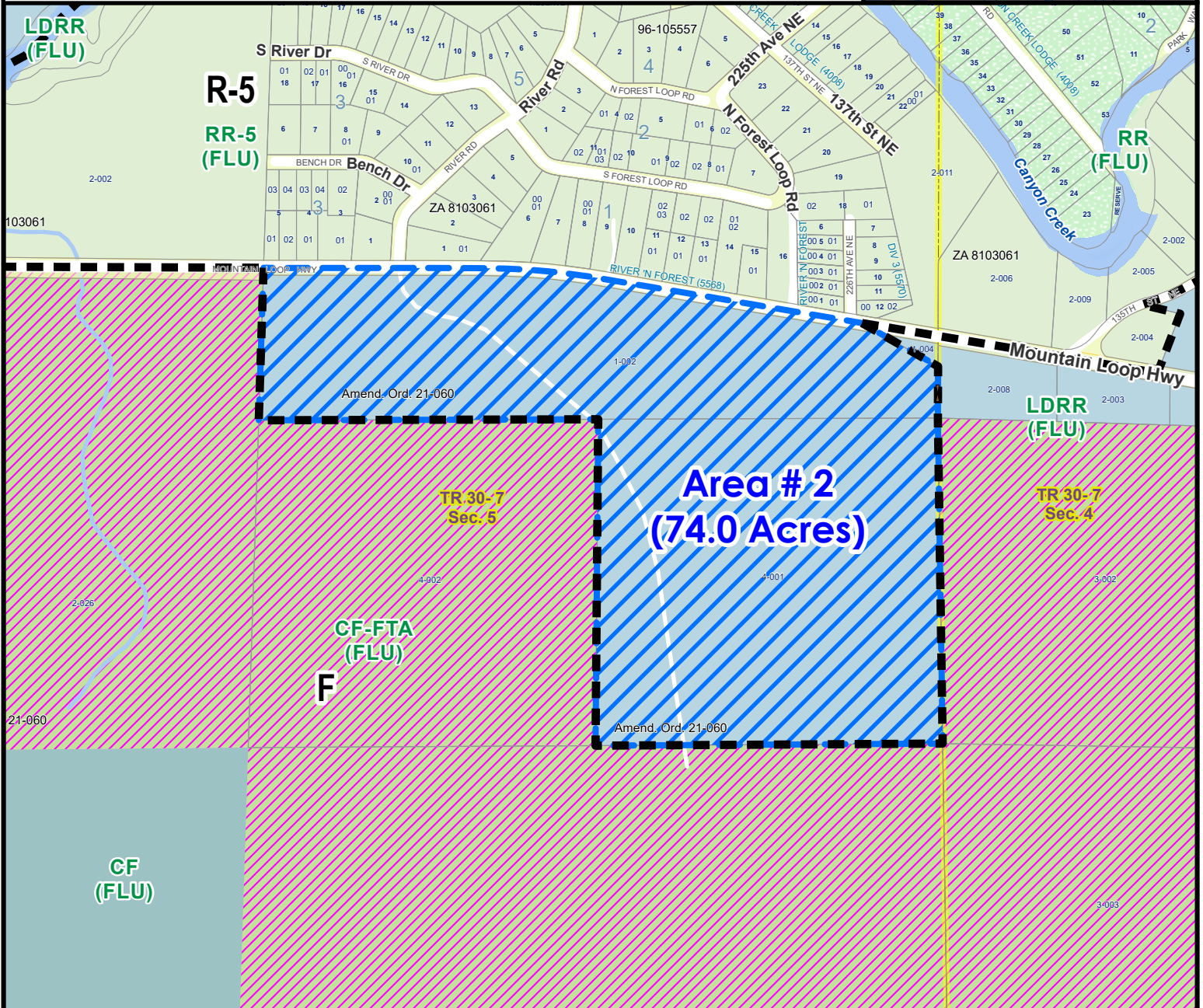
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 2



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

- CF: Commercial Forest
- CF-FTA: Commercial Forest - Forest Transition Area
- LD: Low Density Rural Residential (1 DU/20 Acres)
- RR: Rural Residential (1 DU/5 Acres Basic)
- RR-5: Rural Residential-5 (1 DU/5 Acres)

City Boundary

Road Right of Way

Parcels

Waterbodies

Watercourses

Major Roads

Streets

Sections

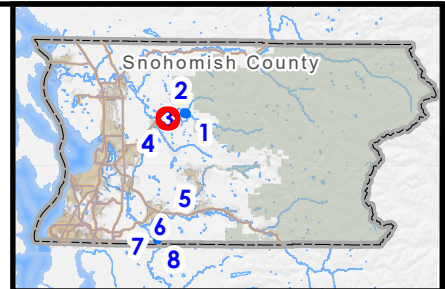
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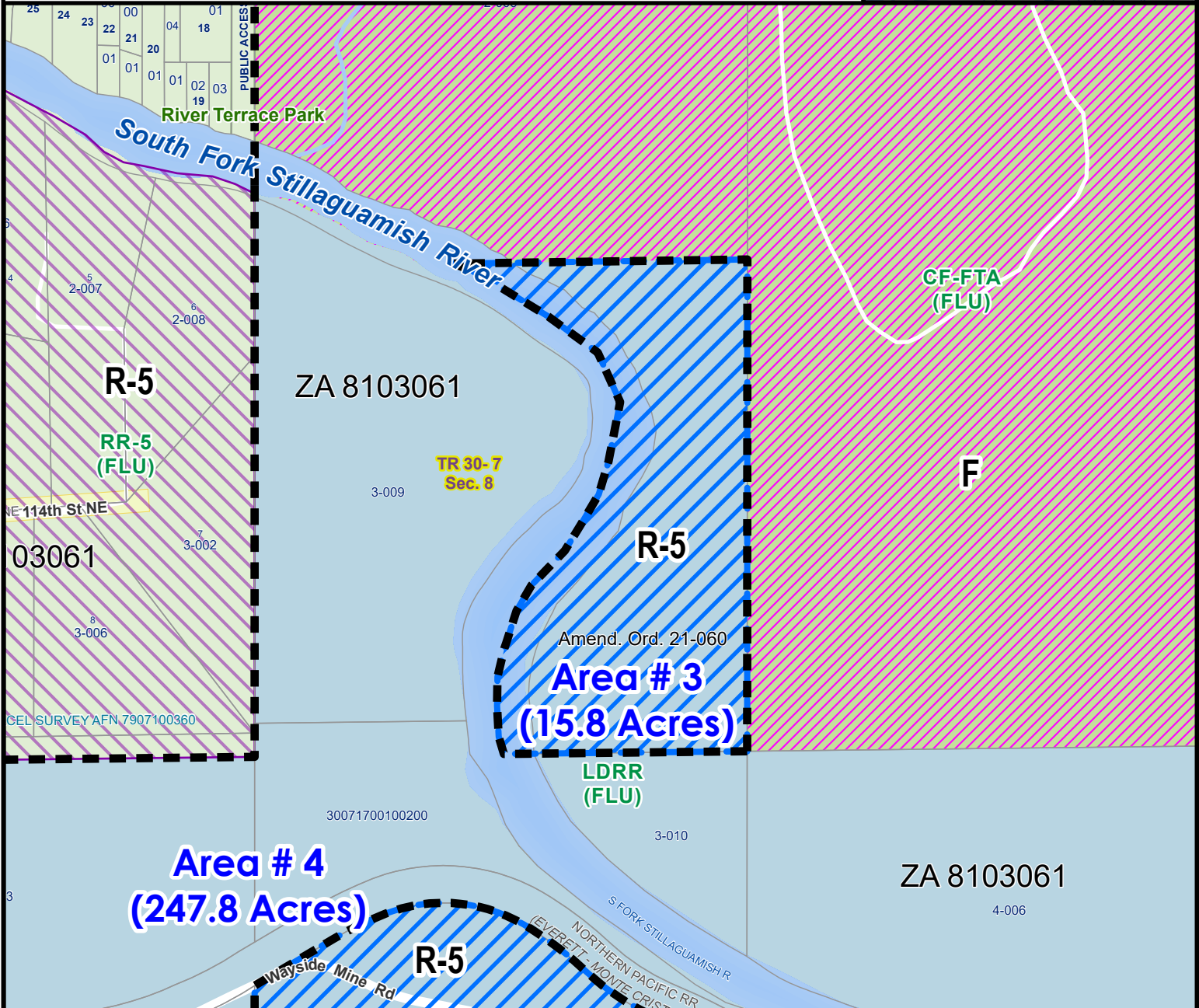
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 3

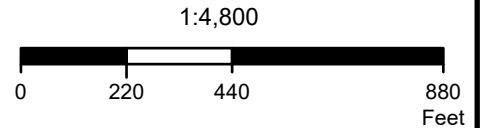


Proposed Zoning Map Adjustments



- Proposed Rezone Areas (R-5 to Forestry)
- Zoning Line
- Future Land Use**
- CF-FTA: Commercial Forest - Forest Transition Area
- LDRR: Low Density Rural Residential (1 DU/20 Acres)
- RR-5: Rural Residential-5 (1 DU/5 Acres)
- Rural Urban Transition Area (RUTA)

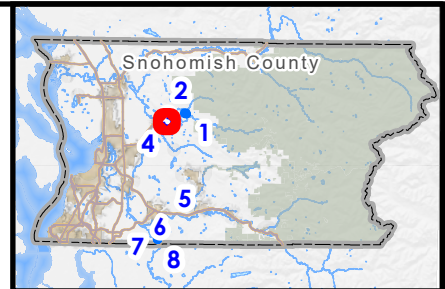
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets
- Sections



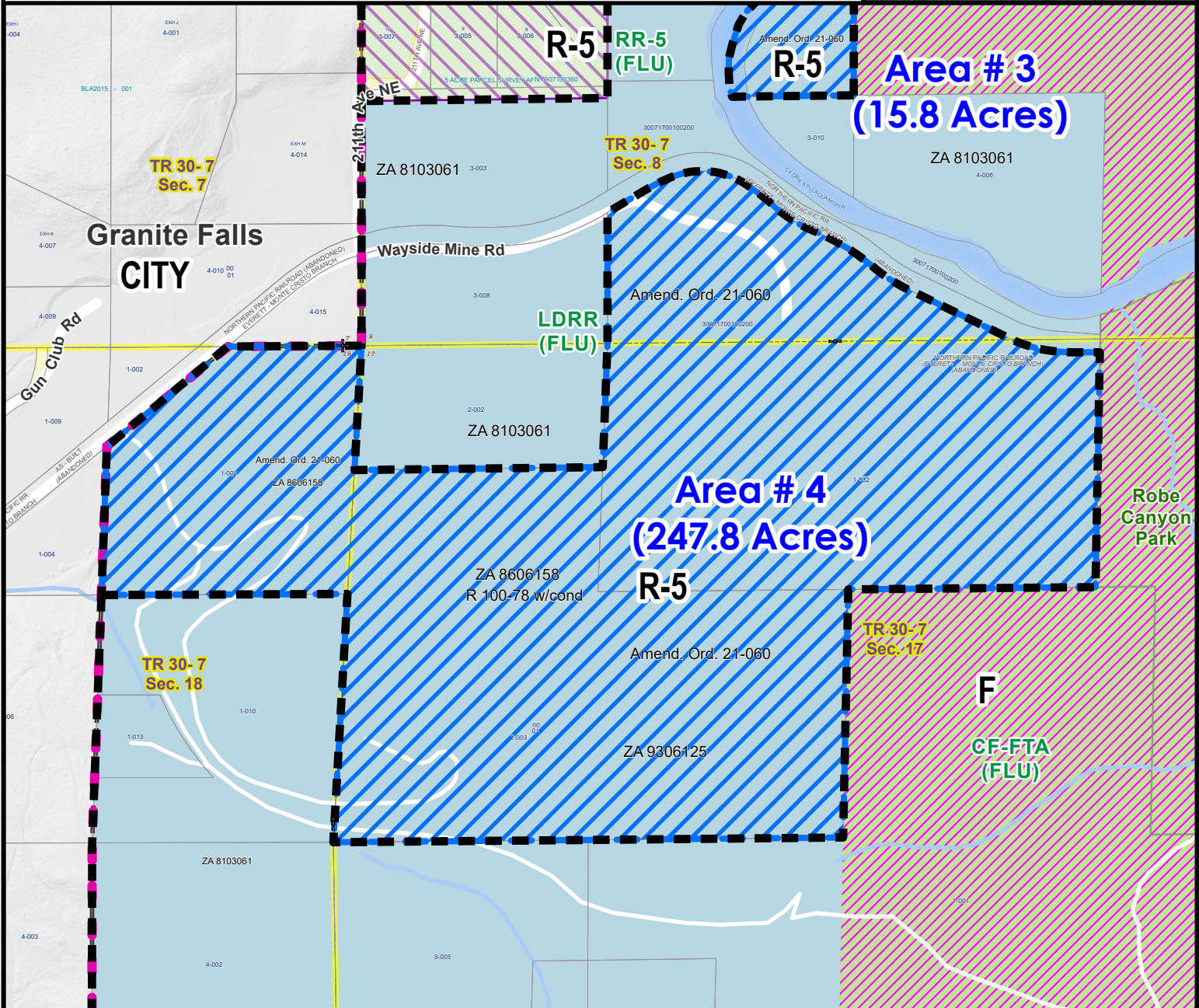
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 4



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

CF-FTA: Commercial Forest - Forest Transition Area

LDRR: Low Density Rural Residential (1 DU/20 Acres)

RR-5: Rural Residential-5 (1 DU/5 Acres)

Rural Urban Transition Area (RUTA)

City Boundary

Urban Growth Area Boundary

Road Right of Way

Parcels

Waterbodies

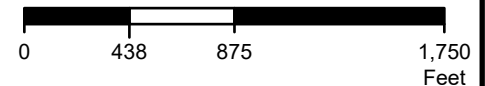
Watercourses

Major Roads

Streets

Sections

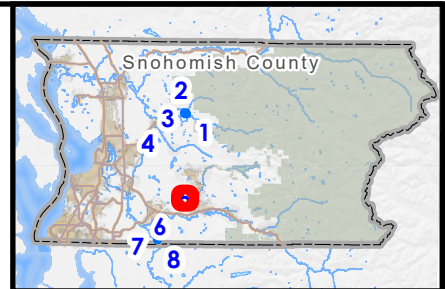
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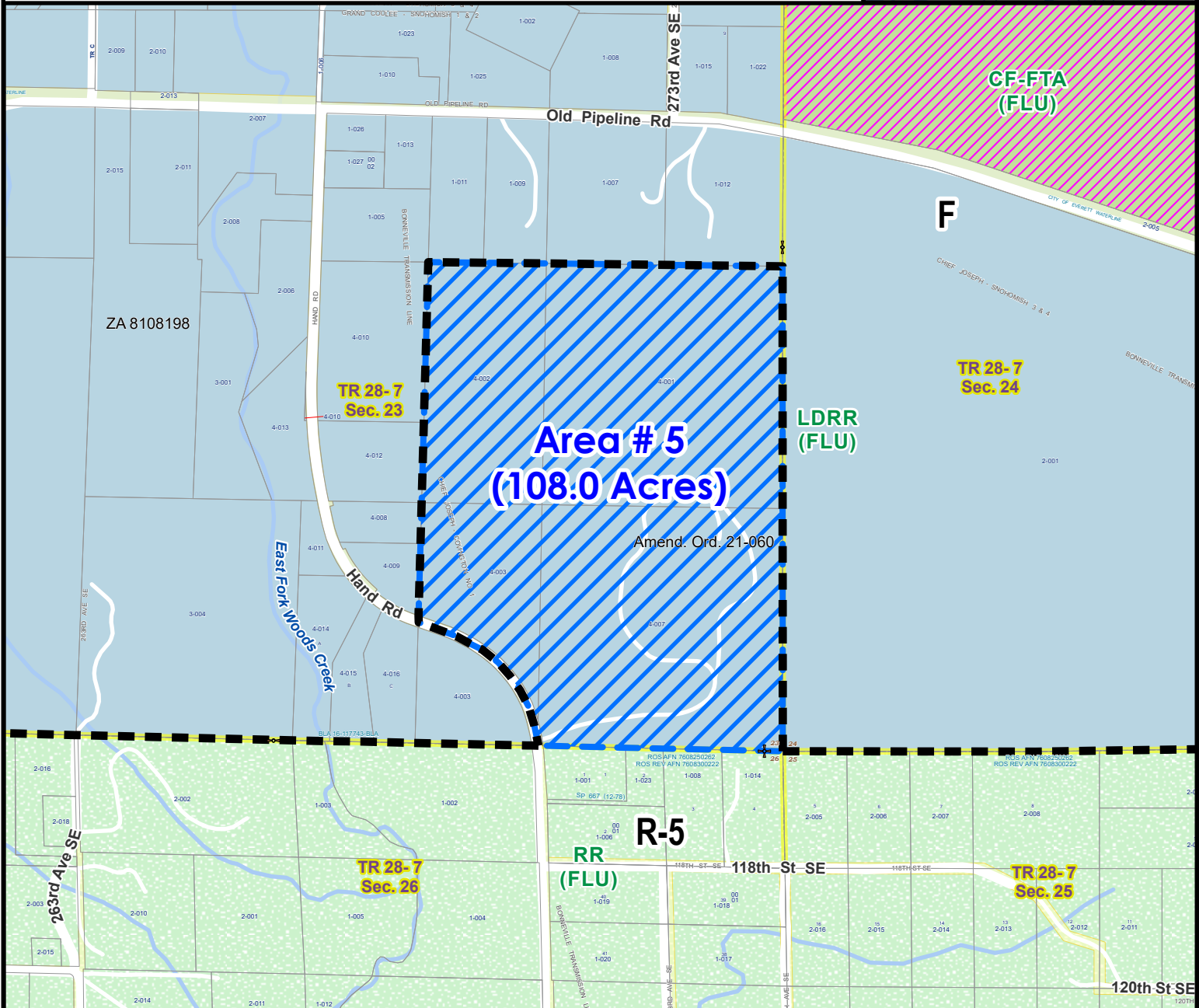
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






2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 5

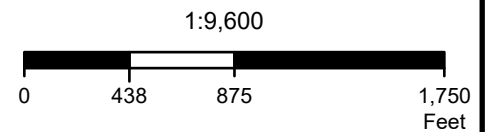


Proposed Zoning Map Adjustments



-  Proposed Rezone Areas (R-5 to Forestry)
-  Zoning Line
- Future Land Use**
-  CF-FTA: Commercial Forest - Forest Transition Area
-  LD RR: Low Density Rural Residential (1 DU/20 Acres)
-  RR: Rural Residential (1 DU/5 Acres Basic)

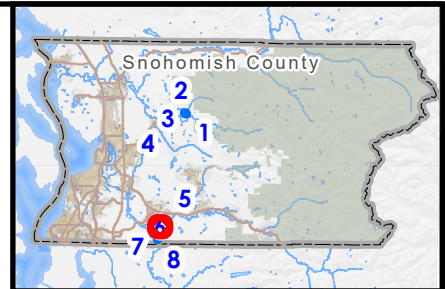
-  City Boundary
-  Road Right of Way
-  Parcels
-  Waterbodies
-  Watercourses
-  Major Roads
-  Streets
-  Sections



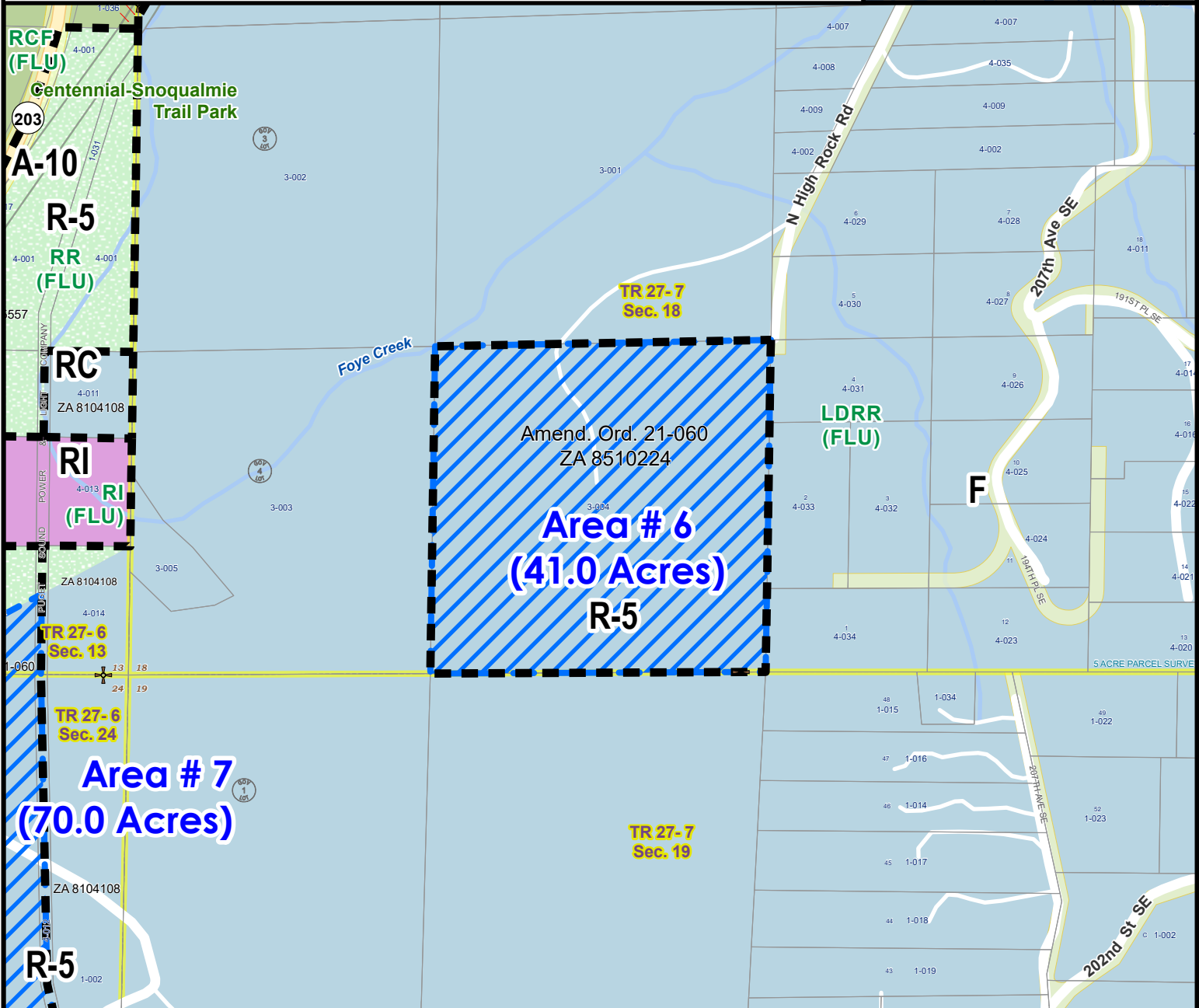
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 6



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

LD RR: Low Density Rural Residential (1 DU/20 Acres)

RCF: Riverway Commercial Farmland

RI: Rural Industrial

RR: Rural Residential (1 DU/5 Acres Basic)

City Boundary

Road Right of Way

Parcels

Waterbodies

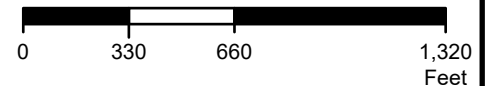
Watercourses

Major Roads

Streets

Sections

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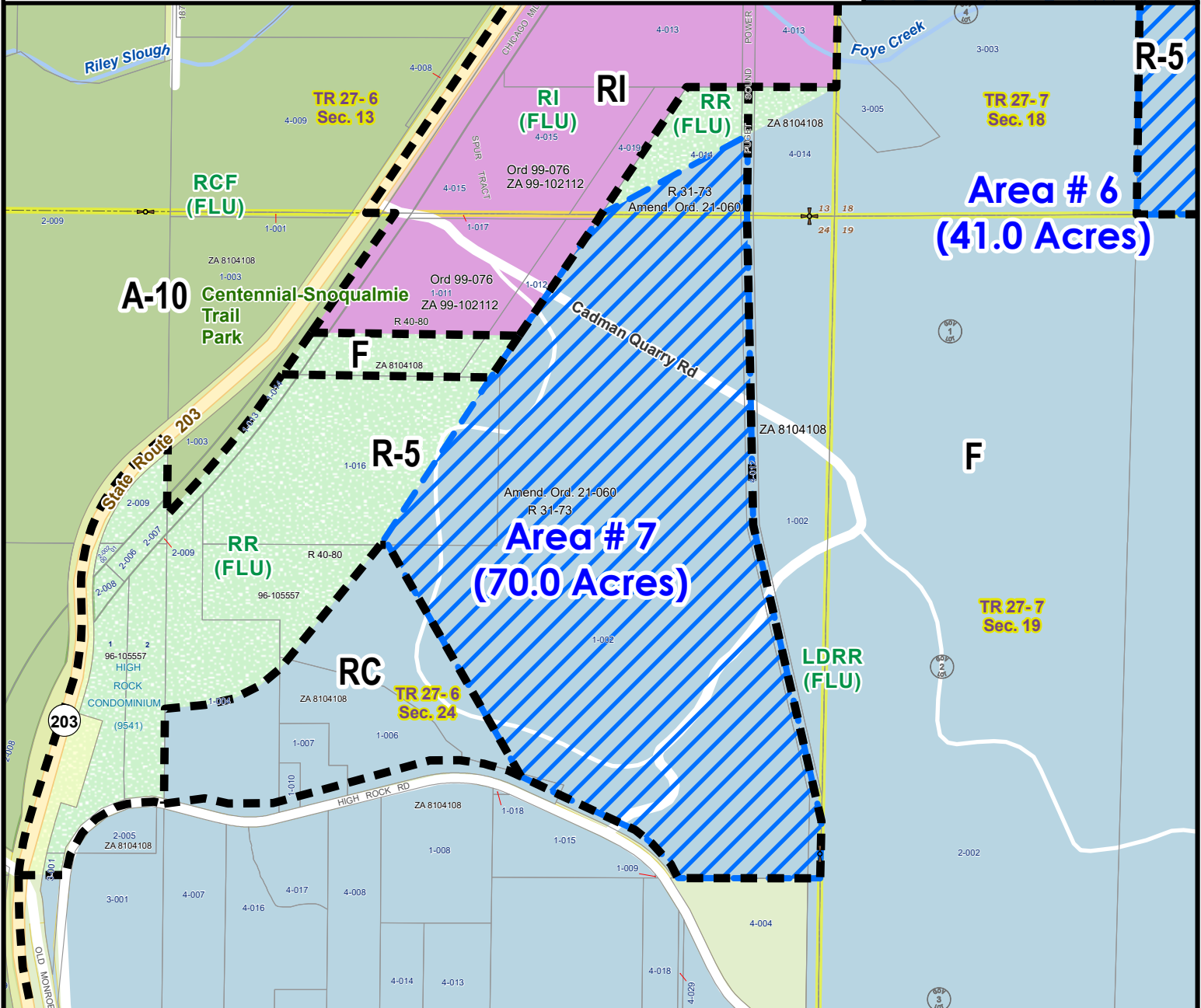
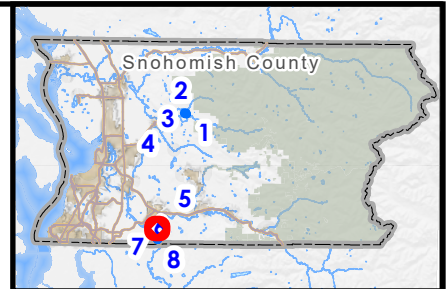


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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 7

Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

LD RR: Low Density Rural Residential (1 DU/20 Acres)

RCF: Riverway Commercial Farmland

RI: Rural Industrial

RR: Rural Residential (1 DU/5 Acres Basic)

City Boundary

Road Right of Way

Parcels

Waterbodies

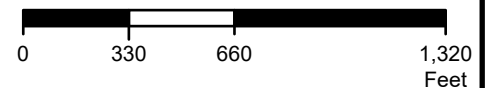
Watercourses

Major Roads

Streets

Sections

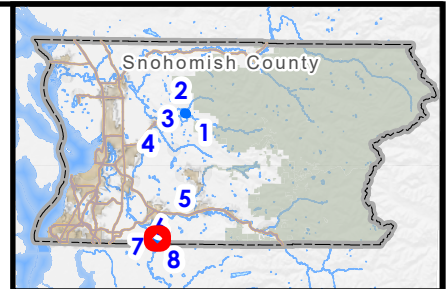
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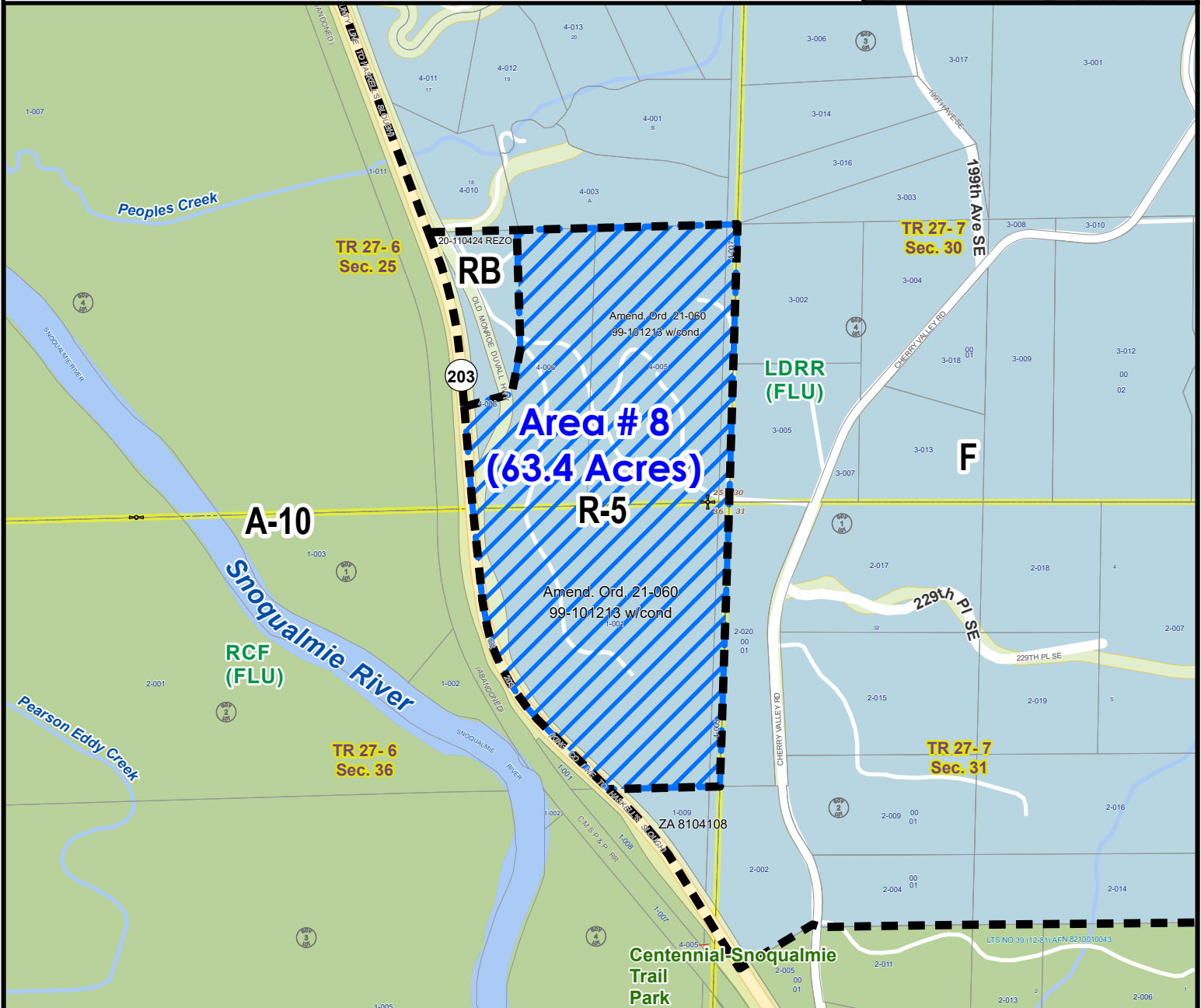
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 8



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

LDRR: Low Density Rural Residential (1 DU/20 Acres)

RCF: Riverway Commercial Farmland

City Boundary

Road Right of Way

Parcels

Waterbodies

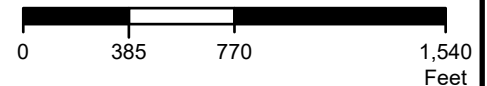
Watercourses

Major Roads

Streets

Sections

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**Snohomish County Council****Committee:** Planning & Community Development **Analyst:** Ryan Countryman**ECAF:** 2023-0513**Proposal:** Ordinance 23-050**Date:** June 20, 2023**Consideration**

Proposed Ordinance 23-050 would amend the Snohomish County Zoning Map to correct errors in the implementation of Amended Ordinance 21-060.

Background and Analysis

Among other changes in 2021, Amended Ordinance 21-060 eliminated the Mineral Conservation (MC) zone, rezoning all former MC zoned sites to other zones intended to be consistent with the comprehensive plan. In late 2022, the County learned that the zoning map depicted a former MC zoned property as having Rural 5-acre (R-5) zoning in the Low Density Rural Residential (LDRR) comprehensive plan designation. Rural 5-acre is not an implementing zone of LDRR. Forestry is the correct implementing zone for LDRR and is the zoning intended by Ordinance 21-060. PDS found that the zoning maps were incorrectly showing eight properties with the LDRR designation as having R-5 zoning. Ordinance 23-050 would correct the zoning map to show all eight properties as has having Forestry zoning.

Current Proposal

Scope and Summary: Ordinance 23-050 would change the zoning map to show the eight described properties as having Forestry zoning.

Fiscal Implications: None

Handling: Normal

Planning Commission: Approve

Finance: Approve

Approved-as-to-form: Yes

Executive Recommendation: Approve

Request: Move to GLS on June 28 to set time and date for a public hearing.



Snohomish County

Planning and Development Services

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

MEMORANDUM

TO: Snohomish County Planning Commission

Dave Somers
County Executive

FROM: David Killingstad, Long Range Planning Manager
Planning and Development Services

SUBJECT: Mineral Lands County-Initiated Areawide Rezones

DATE: February 10, 2022

The purpose of this staff report is to outline proposed County-initiated areawide rezones related to the implementation of Amended Ordinance No. 21-060. The proposal's objective is to:

- Correct the zoning of eight properties that were incorrectly rezoned in 2021 and are now inconsistent with the County's Growth Management Act (GMA) Comprehensive Plan.

BACKGROUND

Amended Ordinance No. 21-060 was adopted by the Snohomish County Council on October 6, 2021. This ordinance among many things repealed the Mineral Conservation (MC) zone from County Code. Under that ordinance, properties zoned MC were intended to be rezoned to an implementing zone consistent with their designation on the Future Land Use Map (FLUM). The FLUM is a component of the County's the GMA Comprehensive Plan.

Future land use designations displayed on the FLUM may have a variety of implementing zones that indicate which zones could be permitted in the designation through a rezone. All previously MC zoned properties had a future land use designation of Rural Residential-5 (RR-5) or Low Density Rural Residential (LDRR) (1 du/20 ac). The only implementing zone for the RR-5 designation is Rural 5-Acre (R-5) and the only implementing zone for the LDRR designation is Forestry (F). To be consistent with the FLUM, the previously MC zoned properties were all intended to be rezoned to the correct zone depending on the property's specific future land use designation.

In late 2022, the County learned that a former MC zoned property with a future land use designation of LDRR, was incorrectly rezoned to Rural-5 by Amended Ordinance 21-060 making its zoning inconsistent with the FLUM. This incorrect zoning also placed the approval of a development application for that property in jeopardy. The property owner is currently pursuing permits with the Snohomish County Health Department, the Washington Department of Ecology, and the Washington Department of Natural Resources for a use which fits under the definition of Sanitary Landfill. A "Sanitary Landfill" is prohibited in the R-5 zone when a Mineral Resource Overlay is present. To allow these permits to be approved the zoning must be changed to the correct implementing zone which is Forestry (F).

Upon learning of this error, PDS reviewed all areas rezoned under Amended Ordinance No. 21-060 and found a total of eight areas designated LDRR on the FLUM that were rezoned incorrectly to the R-5 zone under Amended Ordinance 21-060.

These errors likely occurred because of the scale of the maps that were available to make the necessary changes to the zoning map. Amended Ordinance No. 21-060 included a countywide scale map showing the proposed rezones so that all proposed changes could be displayed in one map. Unfortunately, due to the scale of the map it wasn't always clear what the intended zoning was on a parcel level. Amended Ordinance 21-060 was clear on what the intended zoning should be as it included the following finding:

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

These errors did not inadvertently prohibit mining on the incorrectly zoned properties as excavation and processing of minerals is a conditional use in the R-5 zone. RCW 36.70A.130(1)(d), requires that development regulations, including the County's zoning regulations, be consistent with and implement the comprehensive plan. The inconsistency with the FLUM is problematic from a GMA perspective because the zoning of these eight areas conflicts with the County's comprehensive plan. This ordinance will correct the inconsistencies that were inadvertently created when Amended Ordinance 21-060 was enacted.

COUNTY-INITIATED AREAWIDE REZONES

The proposed County-initiated areawide rezones are as follows and shown on maps contained in Attachment A:

Area	FLUM Designation	Current (Incorrect) Zoning	Proposed (Intended) Zoning	Acres
1	LDRR	Rural-5	Forestry (F)	87.9
2	LDRR	Rural-5	Forestry (F)	74
3	LDRR	Rural-5	Forestry (F)	15.8
4	LDRR	Rural-5	Forestry (F)	247.8
5	LDRR	Rural-5	Forestry (F)	108.0
6	LDRR	Rural-5	Forestry (F)	41.0
7	LDRR	Rural-5	Forestry (F)	70.0
8	LDRR	Rural-5	Forestry (F)	63.4
Total				707.9

ANALYSIS

The following analysis provides a summary of the proposed amendments compliance with state law, Countywide Planning Policies, and the County's Growth Management Act Comprehensive Plan Policies.

Compliance with State Law

The County-initiated areawide rezone proposal is consistent with RCW 36.70A.130(1)(d), which requires that development regulations be consistent with and implement the comprehensive plan. The proposed County-initiated areawide rezones are specifically designed to correct inconsistencies between the comprehensive plan FLUM and the implementing zoning.

Compliance with County-Wide Planning Policies (CPPs)

The County-initiated areawide rezone proposal is consistent with CPP ED-9 which states, "As appropriate, the County and cities should adopt plans, policies, and regulations that preserve designated industrial, commercial, agricultural, and resource land base for long-term regional economic benefit." The County-initiated areawide rezone from R-5 to Forestry better protects mineral lands for long-term regional economic benefit.

Compliance with GMA Comprehensive Plan Policies

The County-initiated areawide rezone proposal is consistent with Objective LU 9.B which states, "Protect designated mineral resource lands from development that would prevent future excavation on those lands." The County-initiated areawide rezone from R-5 to Forestry better protects mineral lands for future excavation.

PUBLIC PARTICIPATION

Chapter 30.73 of the Snohomish County Code (SCC) requires notification of County-initiated areawide rezones to affected property owners and those within 1,000 feet of the affected properties. Mailed notice will occur in advance of the Planning Commission's public hearing scheduled for March.

ENVIRONMENTAL REVIEW

A Determination of Non-Significance (DNS) was issued on February 7, 2023, with a comment period ending February 21, 2023, satisfying State Environmental Policy Act (SEPA) review.

NOTIFICATION OF STATE AGENCIES

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards was transmitted to the Washington State Department of Commerce on February 7, 2023.

STAFF RECOMMENDATION

Staff recommends approval of the proposed County-initiated areawide rezones contained in this staff report.

ACTION REQUESTED

The Planning Commission is requested to hold a public hearing, consider the proposed County-initiated areawide rezones, and provide a recommendation to the County Council on correcting the inadvertent zoning inconsistencies created when Amended Ordinance 21-060 was adopted. The Planning Commission can recommend approval with supporting findings of fact as proposed or modified, deny the proposal with findings, or amend the proposal with appropriate findings.

cc: Ken Klein, Executive Director
Mike McCrary, PDS Director
Ryan Countryman, Legislative Analyst

Attachments

Attachment A—Maps reflecting the eight County-initiated areawide rezones



Snohomish County

SNOHOMISH COUNTY PLANNING COMMISSION

March 31, 2023

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

SUBJECT: Planning Commission recommendations on proposed County-Initiated Areawide Rezones

Dear Snohomish County Council:

On behalf of the Snohomish County Planning Commission, I am forwarding our recommendation on eight county-initiated areawide rezones. The Planning Commission had a briefing on this topic on February 28, 2023 and conducted a public hearing on March 28, 2023. The proposed county-initiated areawide rezones correct an error introduced in implementing Amended Ordinance No. 21-060. There were no written comments received by the Planning Commission from the public prior to the March 28th hearing, and two (2) members of the public commented at the public hearing.

PLANNING COMMISSION RECOMMENDATION

At the March 28, 2023, Planning Commission meeting, Commissioner Everett made a motion, seconded by Commissioner Campbell, recommending approval of the proposed county-initiated areawide rezones contained in the staff report with supported findings and conclusions.

Vote:

10 in favor (*Ash, Brown, Busteded, Campbell, Eck, Everett, Larsen, James, Pedersen, Sheldon*)

0 opposed

0 abstentions

Motion Approved

This recommendation was made following the close of the public hearing and after due consideration of the information presented, and is based on the findings and conclusions presented in the February 28, 2023, staff report, with which the Commission concurred.

Respectfully submitted,

[Robert Larsen \(May 2, 2023 09:25 PDT\)](#)

SNOHOMISH COUNTY PLANNING COMMISSION
Robert Larsen, Chairman

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


Planning Commission Recommendation Letter_Areawide Rezones

Final Audit Report

2023-05-02

Created:	2023-05-02
By:	Taylor Twiford (taylor.twiford@co.snohomish.wa.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuLI897SqqdIQwU3JLOdw8cHHDCFFC-7J


"Planning Commission Recommendation Letter_Areawide Rezones" History

 Document created by Taylor Twiford (taylor.twiford@co.snohomish.wa.us)

2023-05-02 - 4:05:19 PM GMT

 Document emailed to Robert Larsen (larsjandb@gmail.com) for signature

2023-05-02 - 4:07:29 PM GMT

 Email viewed by Robert Larsen (larsjandb@gmail.com)

2023-05-02 - 4:22:32 PM GMT

 Document e-signed by Robert Larsen (larsjandb@gmail.com)

Signature Date: 2023-05-02 - 4:25:11 PM GMT - Time Source: server

 Agreement completed.

2023-05-02 - 4:25:11 PM GMT

Executive/Council Action Form (ECAF)

ITEM TITLE:

..Title

Ordinance 23-050, relating to Growth Management, amending the Snohomish County Zoning Map to correct errors in the implementation of Amended Ordinance No. 21-060

.body

DEPARTMENT: Planning and Development Services

ORIGINATOR: David Killingstad, Manager

EXECUTIVE RECOMMENDATION: Approved by Ken Klein 5/10/23

PURPOSE: Correct the zoning of eight properties that were incorrectly rezoned in 2021 and are now inconsistent with the County’s Growth Management Act (GMA) Comprehensive Plan.

BACKGROUND: In late 2022, the County learned that a former MC zoned property with a future land use designation of LDRR, was incorrectly rezoned to Rural-5 by Amended Ordinance 21-060 making its zoning inconsistent with the FLUM. Upon learning of this error, PDS reviewed all areas rezoned under Amended Ordinance No. 21-060 and found a total of eight areas designated LDRR on the FLUM that were rezoned incorrectly to the R-5 zone under Amended Ordinance 21-060. These errors likely occurred because of the scale of the maps that were available to make the necessary changes to the zoning map. Amended Ordinance No. 21-060 included a countywide scale map showing the proposed rezones so that all proposed changes could be displayed in one map. Unfortunately, due to the scale of the map it wasn’t always clear what the intended zoning was on a parcel level. Amended Ordinance 21-060 was clear on what the intended zoning should be as it included the following finding: Amend the County’s Official Zoning Map to rezone all areas zoned Mineral Conservation (MC) to one of the three following zones, consistent with the underlying designation in the comprehensive plan future land use map: Agriculture-10 Acre (A-10), Forestry (F), or Rural 5-Acre (R-5). These errors did not inadvertently prohibit mining on the incorrectly zoned properties as excavation and processing of minerals is a conditional use in the R-5 zone. RCW 36.70A.130(1)(d), requires that development regulations, including the County’s zoning regulations, be consistent with and implement the comprehensive plan. The inconsistency with the FLUM is problematic from a GMA perspective because the zoning of these eight areas conflicts with the County’s comprehensive plan. This ordinance will correct the inconsistencies that were inadvertently created when Amended Ordinance 21-060 was enacted.

FISCAL IMPLICATIONS:

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
TOTAL			

DEPARTMENT FISCAL IMPACT NOTES: Click or tap here to enter text.

CONTRACT INFORMATION:

ORIGINAL _____ CONTRACT# _____ AMOUNT _____
 AMENDMENT _____ CONTRACT# _____ AMOUNT _____

Contract Period

ORIGINAL START _____ END _____
 AMENDMENT START _____ END _____

OTHER DEPARTMENTAL REVIEW/COMMENTS: Approved by Finance – Nathan Kennedy
 5/10/23

ECAF:
RECEIVED:

ORDINANCE INTRODUCTION SLIP

SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.1.003

FILE ORD 23-050

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

Introduced By: _____

N. Nehring
Councilmember _____ Date _____

~~~~~  
Clerk's Action:

Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

~~~~~  
STANDING COMMITTEE RECOMMENDATION FORM

On _____, the Committee considered the Ordinance by ___ Consensus /
___ Yeas and ___ Nays and made the following recommendation:

___ Move to Council to schedule public hearing on: _____

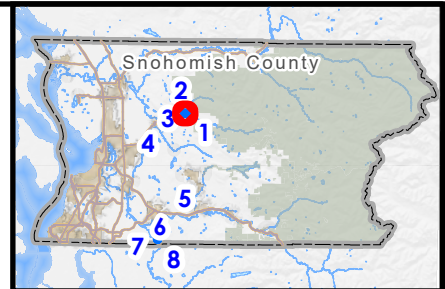
___ Other _____

Regular Agenda _____ Administrative Matters _____

Public Hearing Date _____ at _____

N. Nehring
Committee Chair _____

2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 1



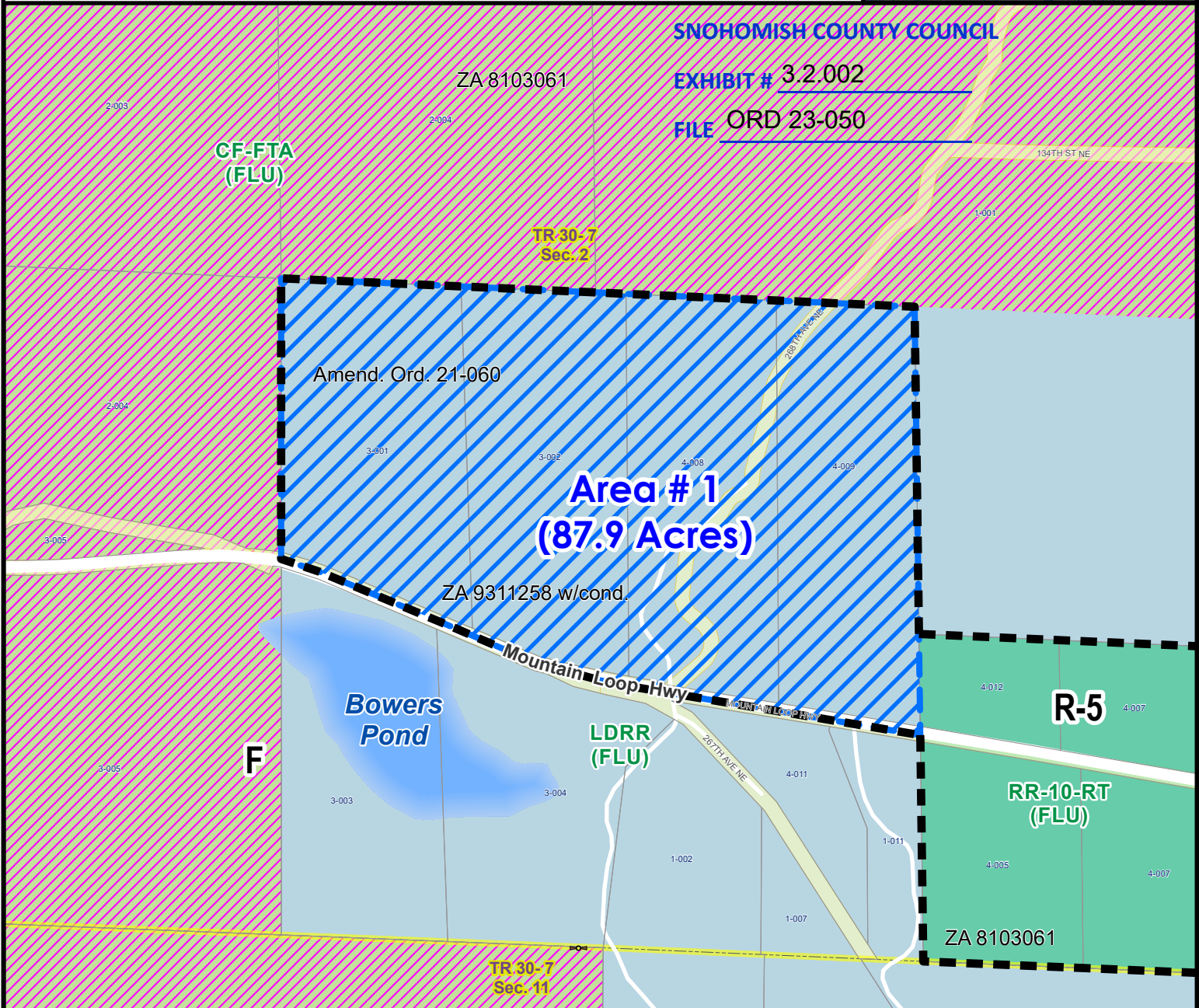
Proposed Zoning Map Adjustments



SNOHOMISH COUNTY COUNCIL

EXHIBIT # 3.2.002

FILE ORD 23-050



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

CF-FTA: Commercial Forest - Forest Transition Area

LDRR: Low Density Rural Residential (1 DU/20 Acres)

RR-10-RT: Rural Residential-10 Resource Transition (1 DU/10 Acres)

City Boundary

Road Right of Way

Parcels

Waterbodies

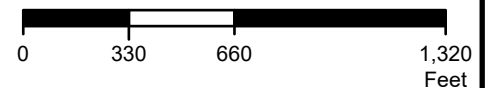
Watercourses

Major Roads

Streets

Sections

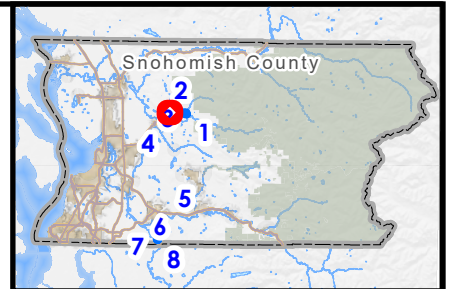
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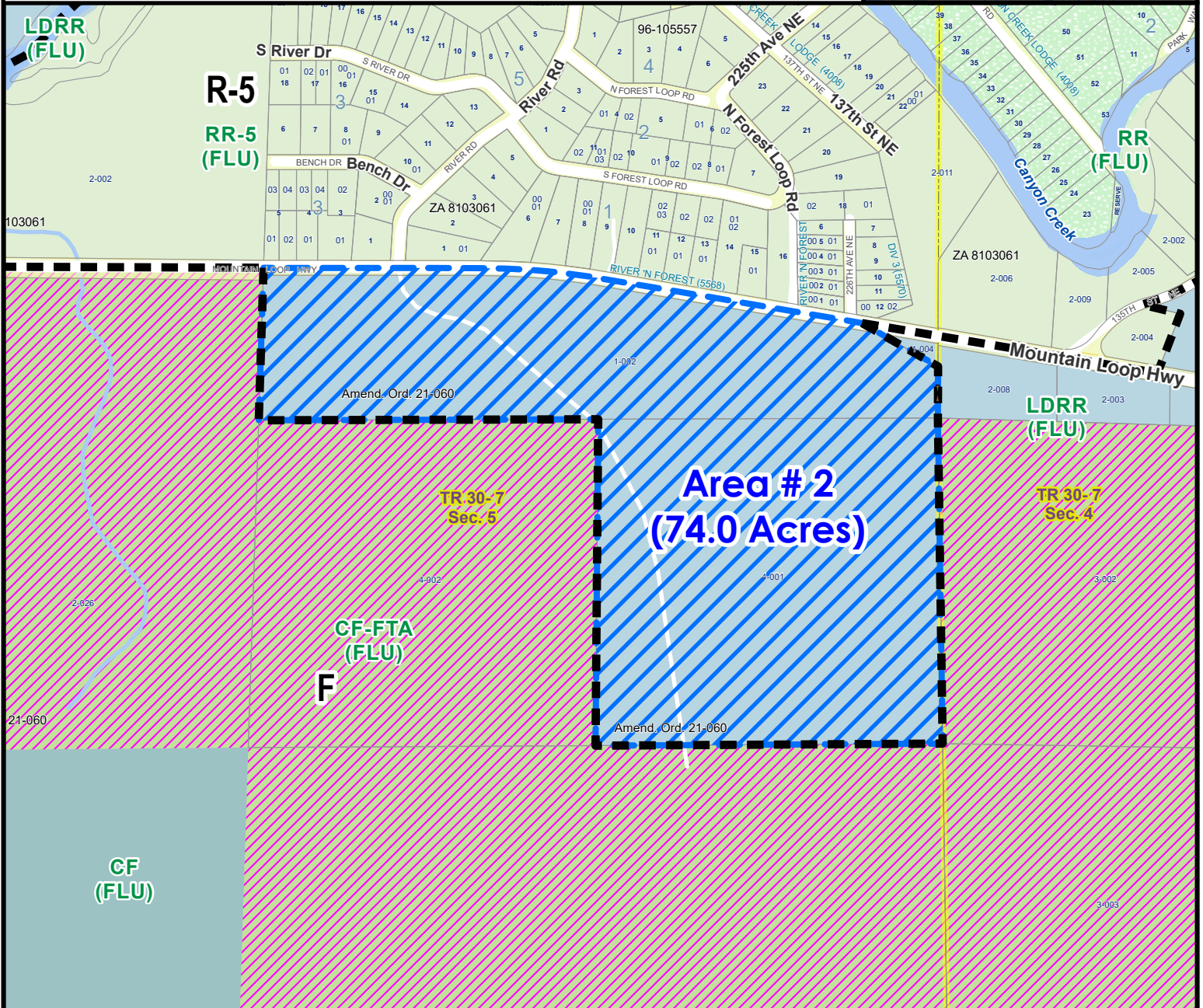
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 2



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

- CF: Commercial Forest
- CF-FTA: Commercial Forest - Forest Transition Area
- LDRR: Low Density Rural Residential (1 DU/20 Acres)
- RR: Rural Residential (1 DU/5 Acres Basic)
- RR-5: Rural Residential-5 (1 DU/5 Acres)

City Boundary

Road Right of Way

Parcels

Waterbodies

Watercourses

Major Roads

Streets

Sections

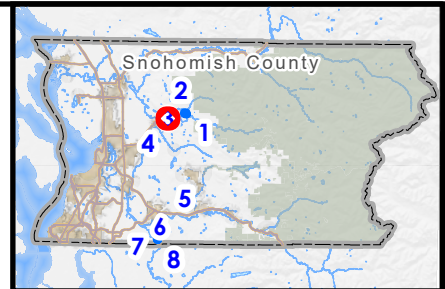
1:7,200



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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 3

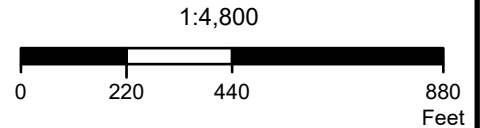


Proposed Zoning Map Adjustments



- Proposed Rezone Areas (R-5 to Forestry)
- Zoning Line
- Future Land Use**
- CF-FTA: Commercial Forest - Forest Transition Area
- LDRR: Low Density Rural Residential (1 DU/20 Acres)
- RR-5: Rural Residential-5 (1 DU/5 Acres)
- Rural Urban Transition Area (RUTA)

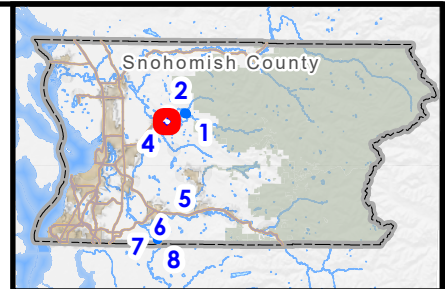
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets
- Sections



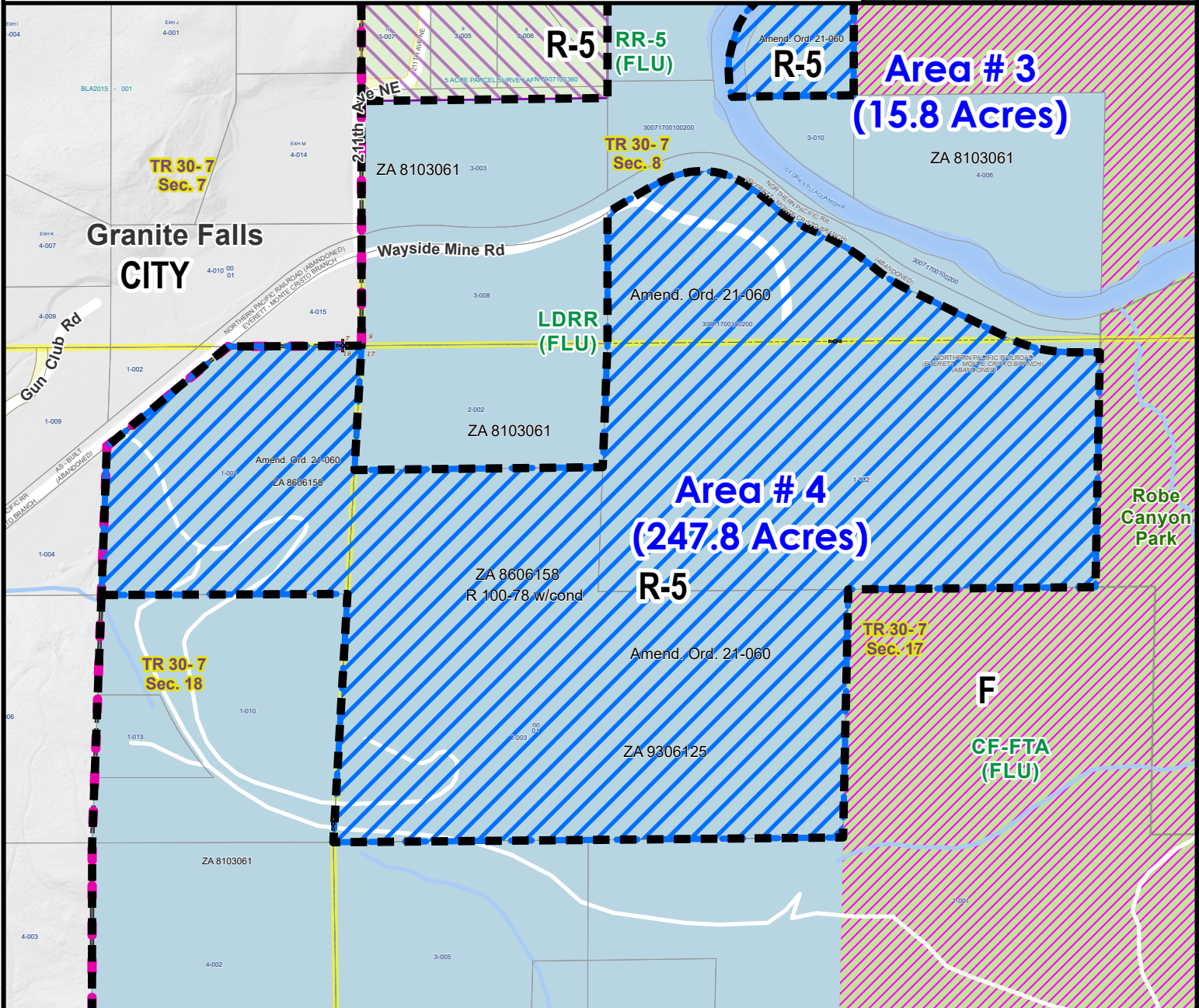
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 4



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

CF-FTA: Commercial Forest - Forest Transition Area

LDRR: Low Density Rural Residential (1 DU/20 Acres)

RR-5: Rural Residential-5 (1 DU/5 Acres)

Rural Urban Transition Area (RUTA)

City Boundary

Urban Growth Area Boundary

Road Right of Way

Parcels

Waterbodies

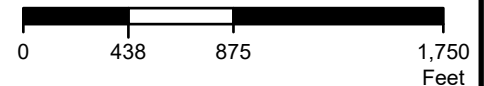
Watercourses

Major Roads

Streets

Sections

1:9,600



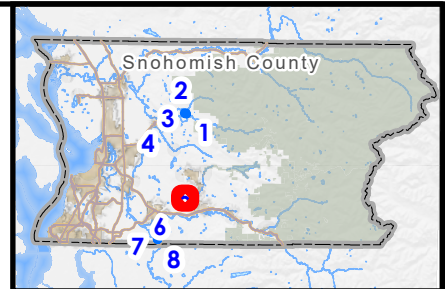
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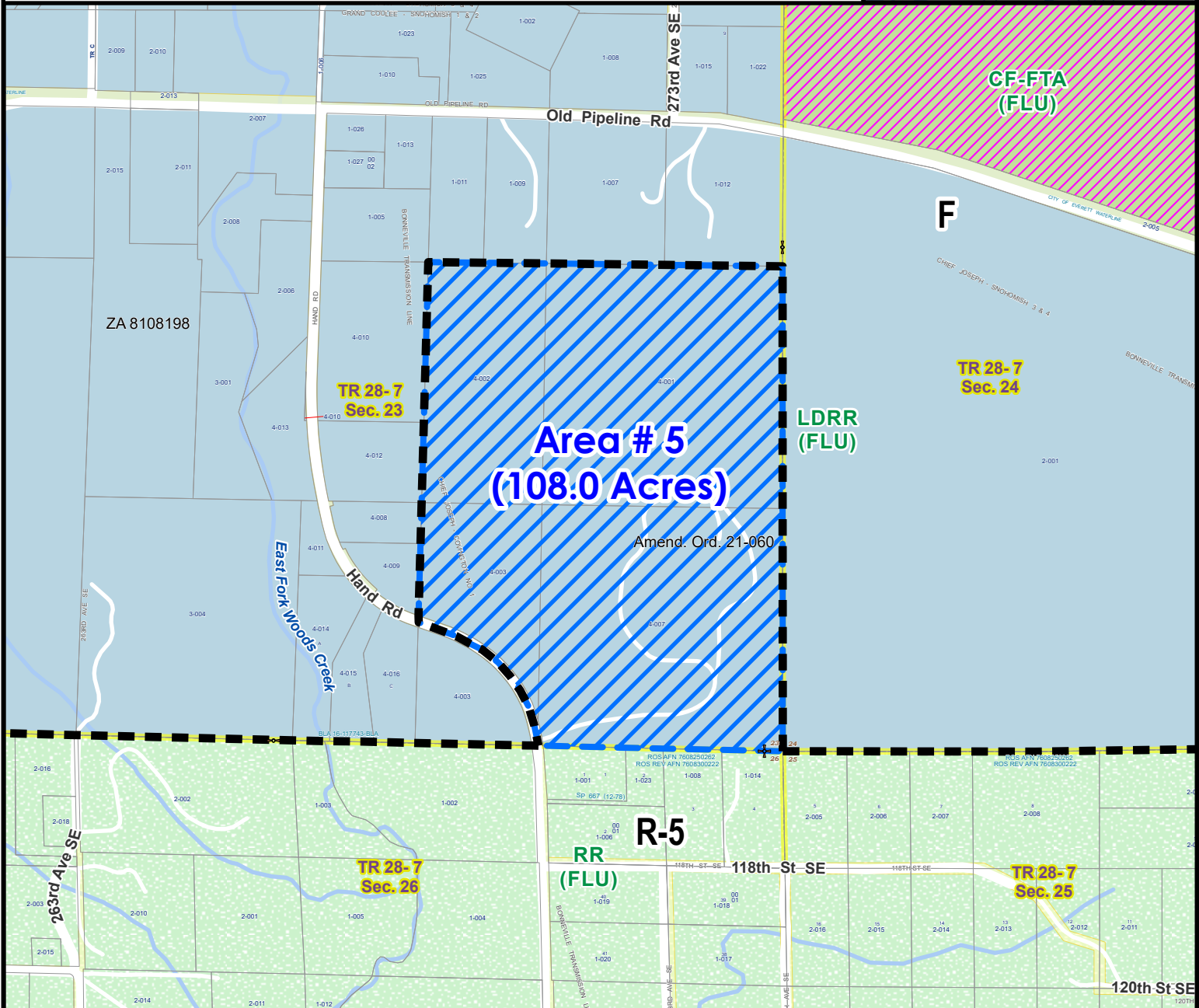
2022 County-Initiated Proposal

Corrections to Amend. Ord. 21-060 R-5 to Forestry Rezone Areas (1 through 8)

Area # 5

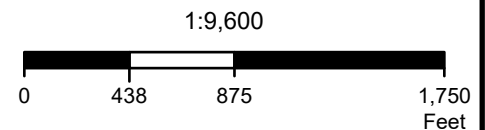


Proposed Zoning Map Adjustments



- Proposed Rezone Areas (R-5 to Forestry)
- Zoning Line
- Future Land Use**
- CF-FTA: Commercial Forest - Forest Transition Area
- LDRR: Low Density Rural Residential (1 DU/20 Acres)
- RR: Rural Residential (1 DU/5 Acres Basic)

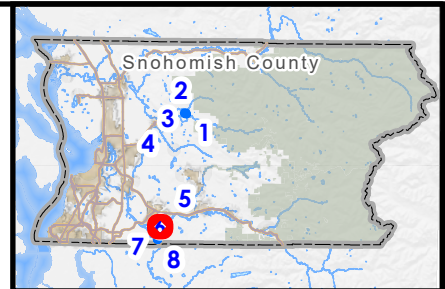
- City Boundary
- Road Right of Way
- Parcels
- Waterbodies
- Watercourses
- Major Roads
- Streets
- Sections



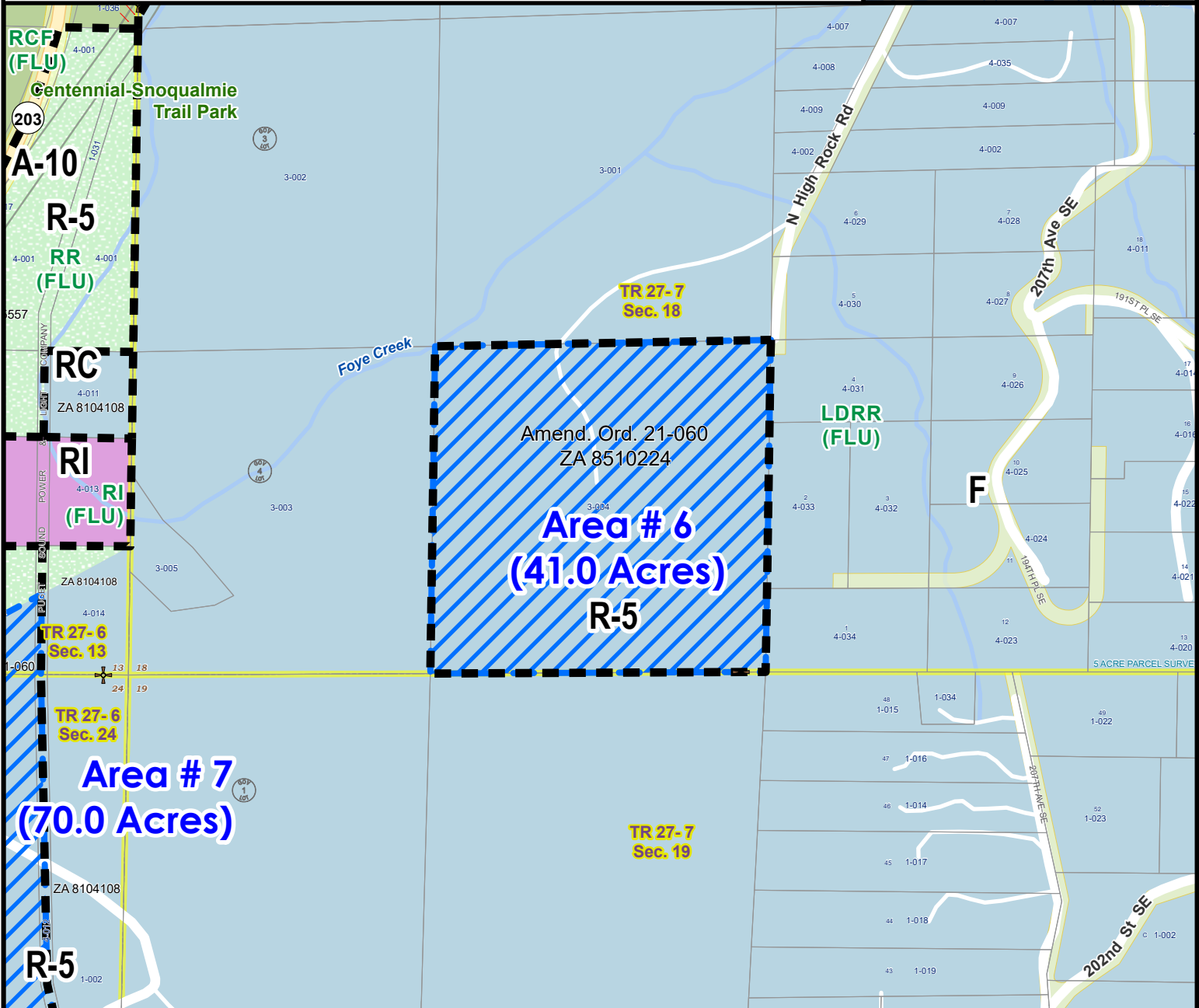
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 6



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

LD RR: Low Density Rural Residential (1 DU/20 Acres)

RCF: Riverway Commercial Farmland

RI: Rural Industrial

RR: Rural Residential (1 DU/5 Acres Basic)

City Boundary

Road Right of Way

Parcels

Waterbodies

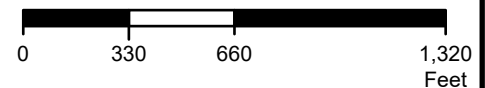
Watercourses

Major Roads

Streets

Sections

1:7,200

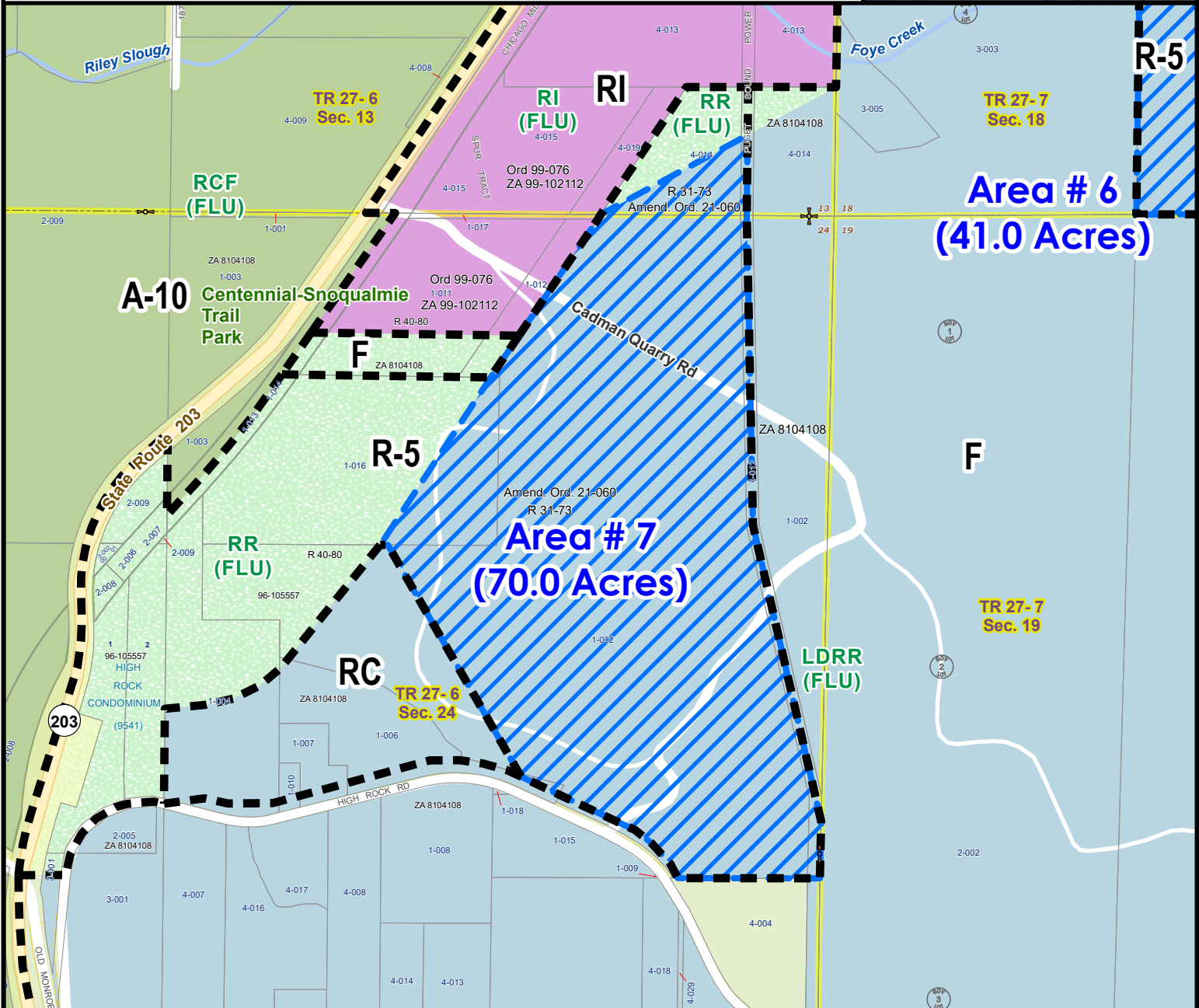
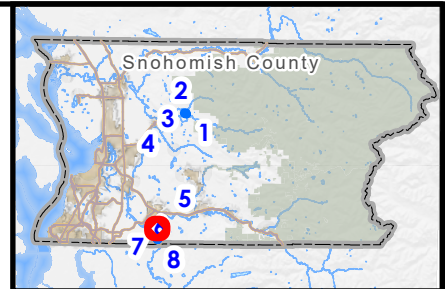


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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 7

Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

City Boundary

Zoning Line

Road Right of Way

Future Land Use

Parcels

LD RR: Low Density Rural Residential (1 DU/20 Acres)

Waterbodies

RCF: Riverway Commercial Farmland

Watercourses

RI: Rural Industrial

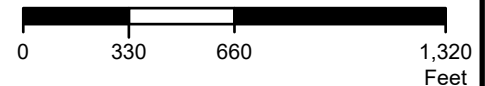
Major Roads

RR: Rural Residential (1 DU/5 Acres Basic)

Streets

Sections

1:7,200



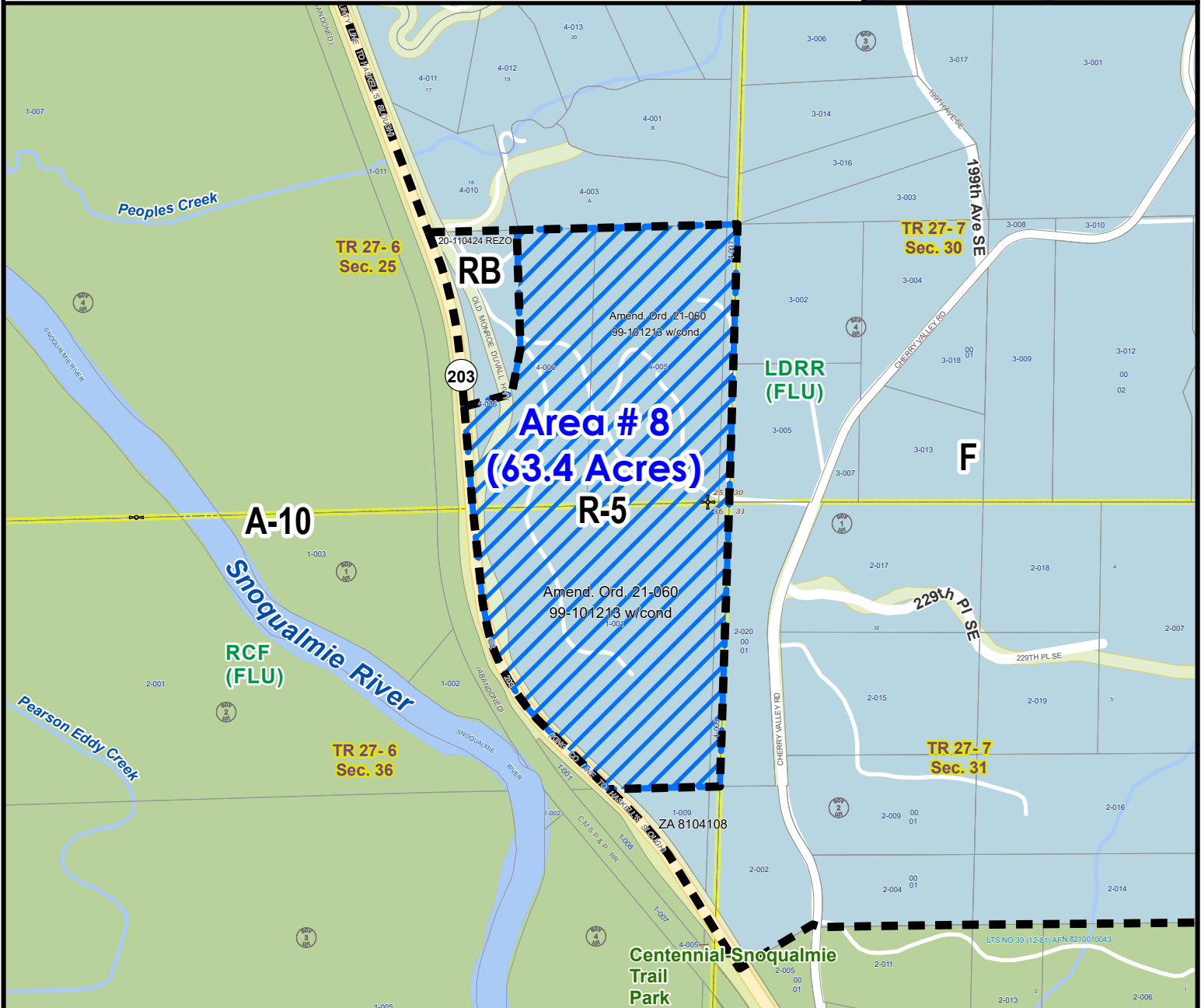
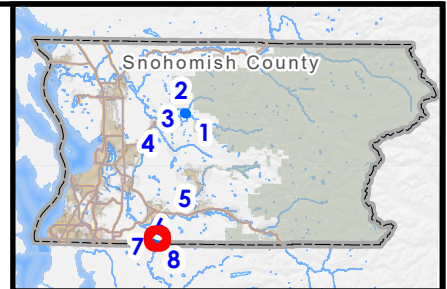
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2022 County-Initiated Proposal
Corrections to Amend. Ord. 21-060
R-5 to Forestry Rezone Areas (1 through 8)
Area # 8



Proposed Zoning Map Adjustments



Proposed Rezone Areas (R-5 to Forestry)

Zoning Line

Future Land Use

LDRR: Low Density Rural Residential (1 DU/20 Acres)

RCF: Riverway Commercial Farmland

City Boundary

Road Right of Way

Parcels

Waterbodies

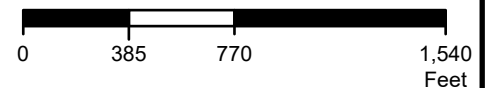
Watercourses

Major Roads

Streets

Sections

1:8,400



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EXHIBIT 3.2.003

Planning & Community Development Committee Meeting – 06/20/23

[Minutes](#) and [Video](#)