

Comprehensive Plan Update
Element B.2 Land Use and Rural

Mineral Resource Land Overlay

San Juan County Planning Commission
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Department of Community Development



PURPOSE

Get Preliminary Recommendations on Potential
Mineral Resource Land Overlay Designation

Mineral Resource Lands

- **WAC 365-190-030(13)**: “[...] lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.”
- **SJCC 18.20.130**: “[...] those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to have long-term commercial significance.”

Mineral Resource Land Overlay (MRLO)



- Designation for commercially significant mining lands
- Does not change the allowed uses in the area
- Protects mining operations from nuisance claims

Nuisance Claims

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- Civil claim that a land use is interfering with the reasonable use and enjoyment of land
 - MRLO provides protections similar to 'right-to-farm', limited to specific sites
 - Protection from lawsuits will help mining operations continue to provide materials for road maintenance and other construction

Mining and Reclamation Permit

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- WA Dept. of Natural Resources (WDNR) regulates surface mining and reclamation
 - WDNR Permits required for mines that create:
 - 1) More than 3 acres of disturbed ground, or
 - 2) A highwall higher than 30 feet and steeper than 45 degrees

Source: *Mining Regulations in Washington* by David K. Norman, WDNR, Open File Report 2000-3

https://www.dnr.wa.gov/publications/ger_ofr2000-3_mining_regulations.pdf

Comprehensive Plan Designation Criteria

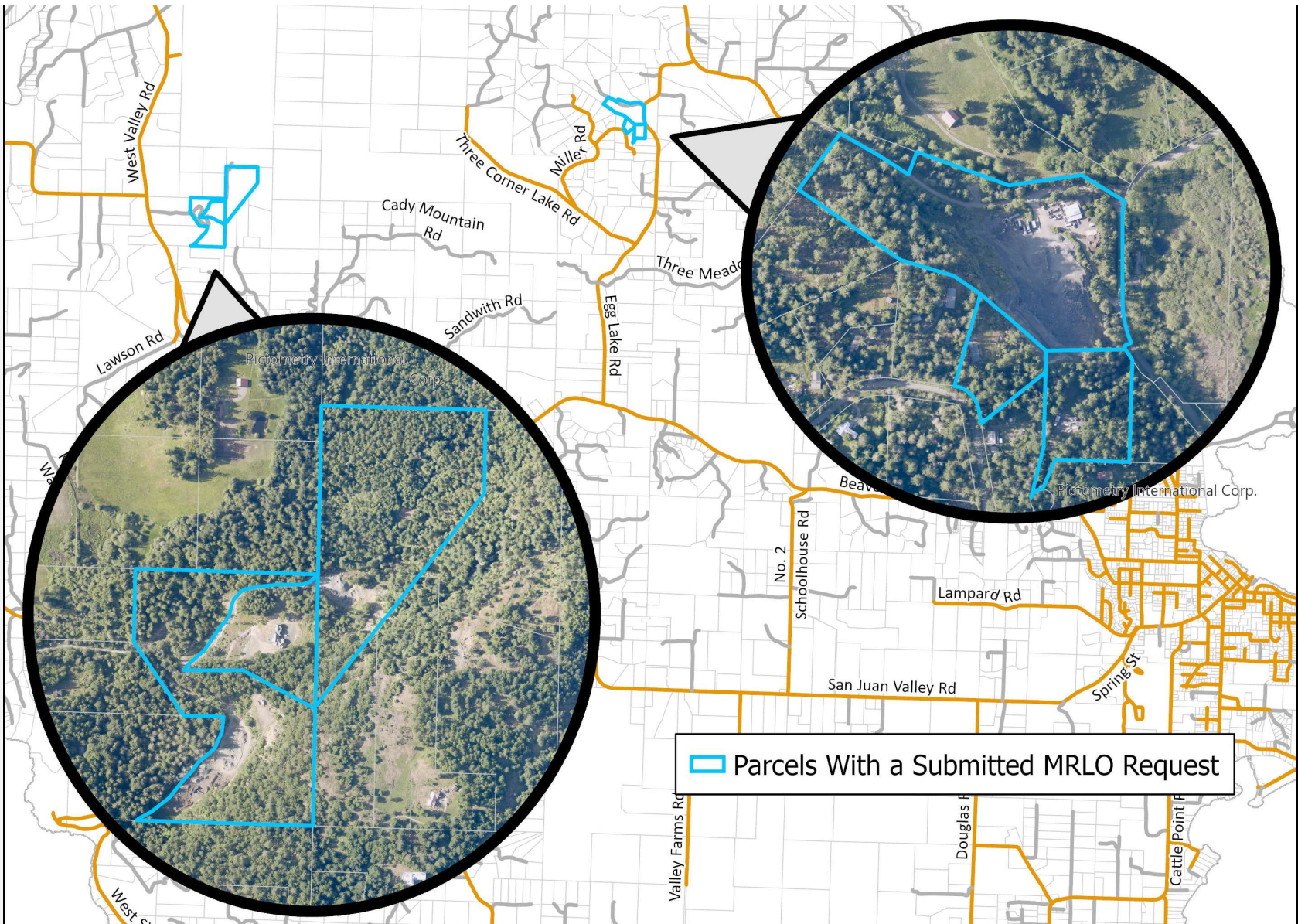
Proposed Land Use Element Policy 2.4.5.c.1, must meet all four of the following:

- a. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional or the land has a legally established mining operation and the County Council adopts findings that the land has commercial significance for mineral resources;
- b. Current or future land use will not exceed a residential density of one dwelling unit per ten acres;
- c. Are not within an Activity Center, Rural Residential, Natural or Conservancy designation or any Shoreline designation; and
- d. Are not within a wetland or fish and wildlife habitat conservation area as defined in this *Plan*.

A yellow tracked excavator with a hydraulic breaker attachment is shown working on a large pile of rubble and debris at a demolition site. The excavator is positioned in the center-right of the frame, with its arm extended towards the left. The background features a cloudy sky, a bridge, and some industrial structures.

Requests for MRLO Designation

Summary of Requests and Staff Recommendations





West Valley Holdings LLC and Carlson Resources LLC

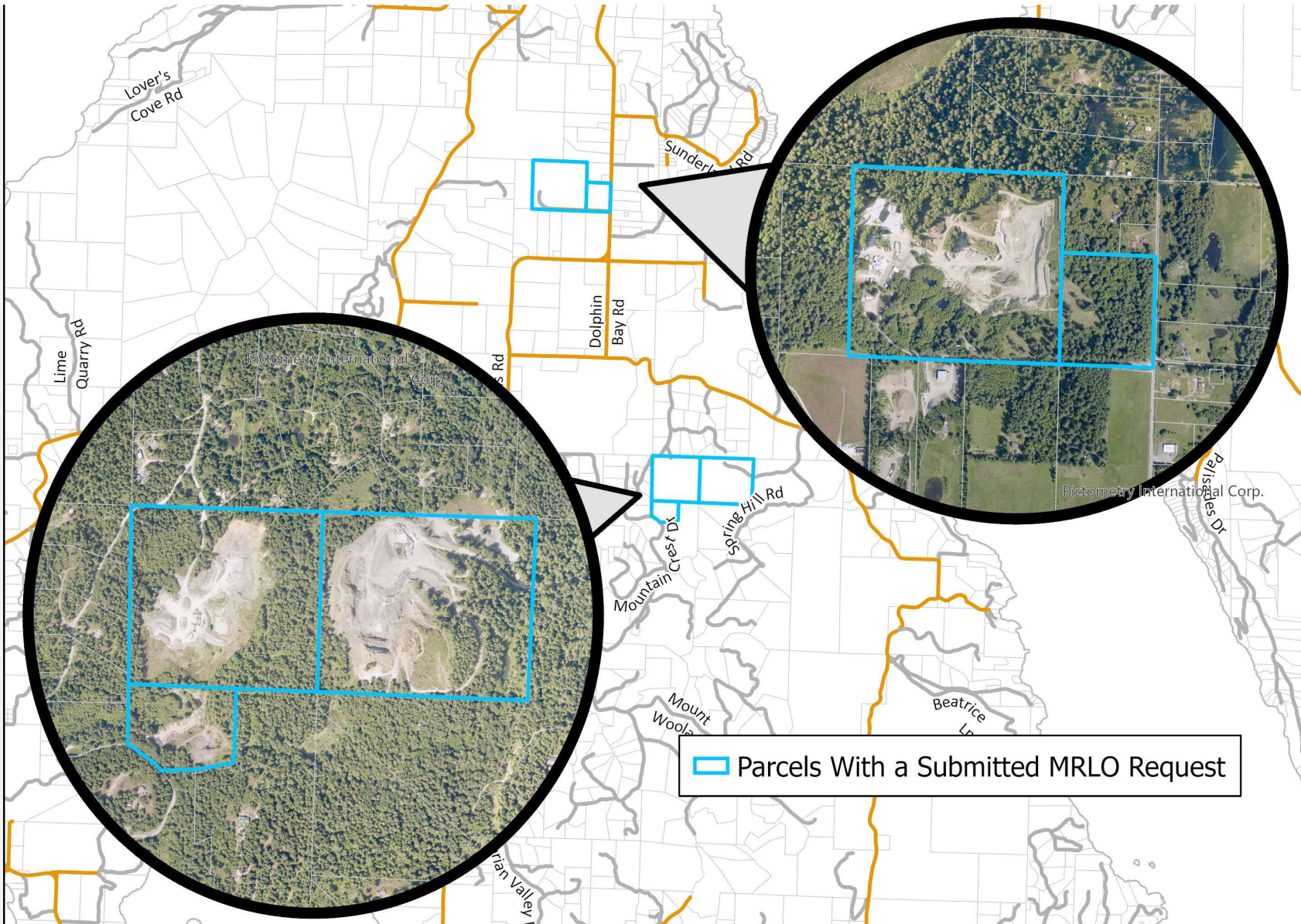
TPNs 450113005000 & 450111003000

- Existing mining site. Operations predate the adoption of the Comprehensive Plan;
- Existing density does not exceed one dwelling per ten acres;
- Not within an activity center, rural residential, natural, or conservancy land use designation; and
- No mapped wetlands or fish and wildlife habitat conservation areas (FWHCA).



Egg Lake Quarry LLC
TPNs 363244001000, 363250021000
& 363250023000

- Existing mining site permitted by WDNR. Operations predate the adoption of the Comprehensive Plan;
- Existing density does not exceed one dwelling per ten acres;
- Not within an activity center, rural residential, natural, or conservancy land use designation; and
- No mapped wetlands or FWHCA.



▭ Parcels With a Submitted MRLO Request



**Dolphin Bay Quarry Property LLC,
Boxeur Corporation, & Mountain
Crest Quarry LLC
TPNs 260221001000, 260222001000
& 260223001000**

- Existing mining sites permitted by WDNR. Operations predate the adoption of the Comprehensive Plan;
- Existing density does not exceed one dwelling per ten acres;
- Not within an activity center, rural residential, natural, or conservancy land use designation; and
- Mapped wetlands removed from proposed MRLO area.



Boxeur Corporation TPNs 272750007000 & 272750002000

- Existing mining sites permitted by WDNR. Operations predate the adoption of the Comprehensive Plan;
- Existing density does not exceed one dwelling per ten acres;
- Not within an activity center, rural residential, natural, or conservancy land use designation; and
- Mapped wetlands removed from proposed MRLO area.

Next steps

- Incorporate preliminary recommendations with other Official Map changes
- Get public comment during Official Map public workshops and work sessions
- Planning Commission makes recommendation to Council after a public hearing

Public comments

Please send public comments to
compplancomments@sanjuanco.com



Questions?

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