

Comprehensive Plan Update  
Element B.2 Land Use and Rural

# Mineral Resource Land Overlay Follow Up

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San Juan County Planning Commission  
September 17, 2021

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Department of Community Development

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## PURPOSE

To provide the Planning Commission with answers to their follow up questions about the MRLO and provide an alternative proposed MRLO designation in response to public comments received.

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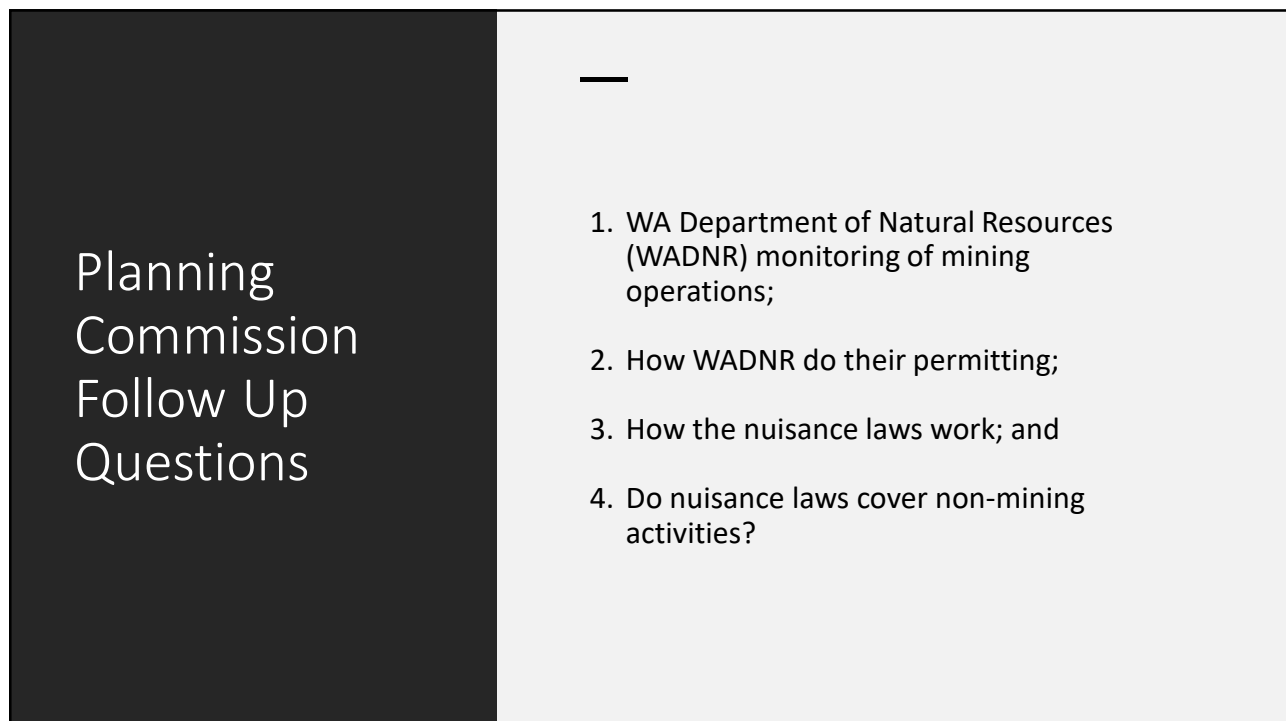


# Mineral Resource Lands Overlay

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

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## Planning Commission Follow Up Questions

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1. WA Department of Natural Resources (WADNR) monitoring of mining operations;
2. How WADNR do their permitting;
3. How the nuisance laws work; and
4. Do nuisance laws cover non-mining activities?

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## 1. WADNR Monitoring of Mining Operations

- WADNR monitors permitted surface mines
- Inspections are conducted every 1-2 years
- Ensure that operations are complying with permit conditions and reclamation requirements

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## 2. How WADNR do their permitting

### Surface Mining Permit required if:

- The property owner intends to initiate a surface mine, or
- Removal of minerals results in one of the following:
  - More than 3 acres of disturbed area;
  - Mined slopes exceed 30 feet high and a slope steeper than 1 horizontal foot to 1 vertical foot; or
  - More than 1 acre of disturbed area within an 8-acre area from mineral prospecting or exploration activities.

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## 2. How WADNR do their permitting

- When a permit is applied for, the local jurisdiction indicates whether the operation was legally established (SM-6 form)
- The surface mine reclamation permit helps ensure that the land is 'reclaimed' after mining is finished

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## 3. How the Nuisance Laws Work

Nuisance is defined in RCW 7.48.120 as:

Nuisance consists in **unlawfully doing an act, or omitting to perform a duty,** which act or omission either **annoys, injures or endangers the comfort, repose, health or safety of others, offends decency,** or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; **or in any way renders other persons insecure in life, or in the use of property.**(emphasis added)

More on nuisance: <http://mrsc.org/home/explore-topics/legal/regulation/nuisances-regulation-and-abatement/what-is-a-nuisance.aspx>

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### 3. How the Nuisance Laws Work

SJCC 18.35.015(C)(1) states:

**Nuisance. The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or maintained for commercial mineral resource extraction and processing purposes** on land designated as mineral resource land, regardless of past or future changes in the surrounding area land use or land use designation.  
(Emphasis Added)

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### 4. Do nuisance laws cover non-mining activities

- Short answer: NO
- The nuisance protections provided by the MRLO only cover activities related to mineral extraction and processing
- Nuisance protections are only in place Monday through Friday, 7 am to 7PM

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## Alternative MRLO designation



### Egg Lake Quarry LLC

**TPN 363244001000**

- Only includes the existing mining site permitted by WADNR. 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.

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## Recommended Motion

The Planning Commission makes a preliminary recommendation to establish the Mineral Resource Land Overlay as proposed in the MRLO staff memo dated July 2, 2021, incorporating the alternative proposed in Map 1 of the MRLO staff memo dated September 3, 2021.

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## Next steps

- Incorporate preliminary recommendations with other Official Map changes
- Get public comment during Official Map public town halls
- Planning Commission makes recommendation to Council after a public hearing

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## Public comments

Please send public comments to  
[compplancomments@sanjuanco.com](mailto:compplancomments@sanjuanco.com)



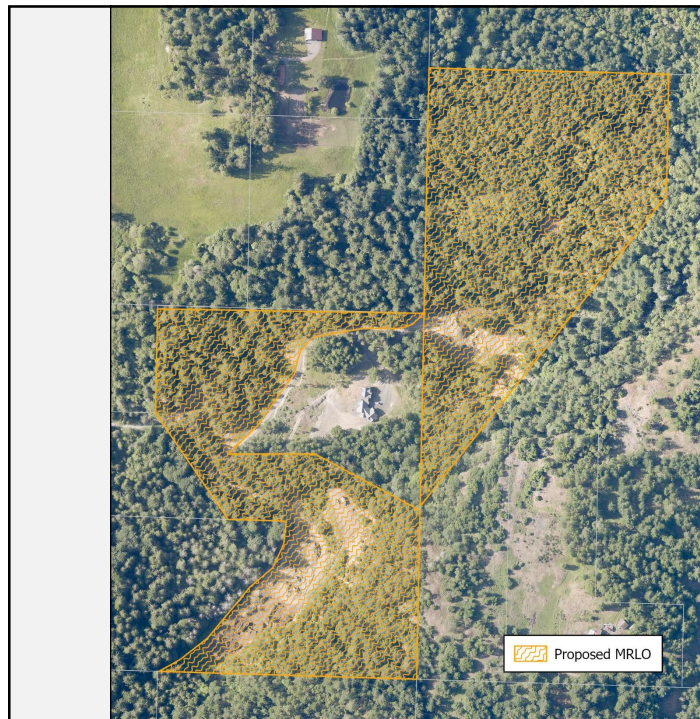
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## Questions?

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### **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).


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**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.

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**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.

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