

Sophia Cassam

From: Nina Connally <nina8.connally@gmail.com>
Sent: Wednesday, November 23, 2022 1:12 PM
To: Comp Plan Update
Cc: Richard Oettinger
Subject: Part One: San Juan County Council public hearing on November 29 re: ELQ required report
Attachments: ELQ Requests for Required MRLO Reports 2022_11_22.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear San Juan County Council: thank you for taking our input on this matter.

RE: **Planning Commission Preliminary Recommendation: Designate Egg Lake Quarry (ELQ) parcel 363244001000 under the MRLO (DCD alternative).**

We respectfully urge the San Juan County Council to **postpone MRLO designation** for this parcel until the applicant meets all of the required criteria for making the remapping changes per [SJC code 18.35.015](#) re: Mineral resource lands district.

Per the attached file, ELQ was requested to submit the report when the county invited Egg Lake Quarry to apply for MRLO designation on May 6, 2020 . Additional requests have been made by the DCD* in August and again in November, 2022.

We kindly request that when the report is submitted, the neighbors have time to vet the report prior to a permanent remapping change (MRLO).

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;

This required report substantiates the main goal of the privileged MRLO designation: Mineral resource lands of **long-term commercial significance** such those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within **20 years**.

As of now, all we have is an estimation by the applicant that the quarry had a 40 year life of commercial extraction of minerals when applying for a new DNR Reclamation SM-8A permit in January 2016.

Thank you for taking our input in order to ensure that Egg Lake Quarry meets all of the eligibility requirements for MRLO designation.

Sincerely,

Nina Connally and Rick Oettinger

249 Gill Ln, Friday Harbor, WA 98250

Citizens of San Juan Island
Home: 360-378-4747

*DCD is the county Department of Community Development

Criteria for making changes

Mineral Resource Lands

Comprehensive Plan Land Use
Element and SJCC 18.35.015

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;

2. Current or future land use will not exceed a residential density of one dwelling unit per 10 acres;

3. Are not within an activity center, rural residential, natural or conservancy designation or any shoreline designation;

4. Are not within a regulated wetland or fish and wildlife conservation area

MRLO Egg Lake Quarry

TPNs 363244001000, 363250021000, 363250023000

← Proposed by applicant

Request: Designate these parcels under the Mineral Resource Land Overlay.

Planning Commission Preliminary

Recommendation: Designate parcel 363244001000 under the MRLO (DCD alternative).



← DCD alternative



SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

135 Rhone Street, PO Box 947, Friday Harbor, WA 98250
(360) 378-2354 | (360) 378-2116
dcd@sanjuanco.com | www.sanjuanco.com

May 6, 2020

EGG LAKE QUARRY LLC
65 GILL LN
FRIDAY HARBORWA, 98250-9614

Re: San Juan County Comprehensive Plan Update 2036
Mineral Resource Land Overlay and TPN 363244001000

Dear EGG LAKE QUARRY LLC:

Our records indicate that TPN 363244001000 may have a mining operation on it. The County is in the process of updating the San Juan County Comprehensive Plan (*Plan*) including review of mineral resource lands. The *Plan* includes Official Maps showing adopted land use designations, similar to zoning. These designations indicate what regulations apply to a parcel.

The Mineral Resource Land Overlay (MRLO) is a land use district that provides protection from nuisance claims. The *Plan* includes goals and policies for a MRLO designation; however, no parcels have ever been designated under it. The complete MRLO regulations from San Juan County Code 18.35.015 are attached. The MRLO limits the allowed residential density to one dwelling unit per ten acres. During the update, staff will likely propose to update the MRLO regulations in SJCC 18.35.015 to allow mineral extraction and processing as an outright allowed use on all lands designated MRLO (no provisional or conditional use permit would be required).

Because we are updating the *Plan*, we want to familiarize you with the mineral resource land review process and ask if you want to apply for a Mineral Resource Land Overlay (MRLO) designation on the referenced parcel(s). Some mining operations are nonconforming to their land use designation. Having a MRLO designation could have several advantages including better protection from nuisance claims related, and better financing

Both the *Plan* and County Code allow owners to request the MRLO designation. **If you are interested in applying for the MRLO designation, please fill out and return the attached form to me. No fee is required** because the request will be rolled into the *Plan* update.

The County Council will decide whether to designate any properties under the MRLO during discussions and public hearings about the *Plan* Element 2, Land Use after a recommendation from staff and the Planning Commission. We hope to brief the Planning Commission and County Council on proposed MRLO

map changes in early summer (pending COVID-19 response delays). The *Plan* is expected to be adopted in early 2021.

If you are interested in having an MRLO designation, please reply by June 1, 2020.

Please subscribe for public notices about the Plan update at: <https://www.sanjuanco.com/list.aspx> by selecting Comprehensive Plan Update in the NewsFlash category.

For more information about the Plan update, go to the project webpage at: <https://www.sanjuanco.com/1079/Comprehensive-Plan-Update>

Please contact me if you have any questions about the attached application, mineral resource land review process, MRLO, or *Plan* update.

Sincerely,



Adam Zack

Planner III

AdamZ@sanjuanco.com

(360) 370-7580

Attachments:

Plan Element 2, Land Use, Excerpt, Mineral Resource Land Overlay
San Juan County Code (SJCC) 18.35.015 Mineral resource lands overlay.
Application for Change in Land Use Designation
363244001000

Comprehensive Plan Section 2.5.A Mineral Resource Lands Overlay

Goal: Assure that *mineral resource lands of long-term commercial significance* are conserved in order to provide continued and economical local access to valuable minerals, particularly those used for construction materials.

Policies (2.5.A.1–4):

1. Upon application by a landowner, lands which are characterized by the following criteria may be designated as a Mineral Resource Land Overlay District on the *Comprehensive Plan* Official Maps:
 - 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;
 - 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 conservation area as defined in this *Plan*.
2. Protect mineral resource lands of long-term commercial significance from incompatible land uses and land use patterns so that access to existing and potential resources is maintained. With appropriate design and performance standards land uses such as agriculture, forestry and some industries, and low-intensity residential uses (average density at least ten acres per unit), are compatible with mineral extraction and processing while other uses such as medium- to high-intensity residential uses are not. Resource protection should be accomplished without loss of existing density potential.
3. Existing and potential sources of sand, gravel, and rock vary in size and distribution; those which are most likely to provide for long term production with only minimal impact on the environment should receive the highest priority for protection through designation with a Mineral Resource Lands overlay district and attendant regulations to protect long-term access and use potential.
4. Allow those activities associated with long-term mineral extraction which enhance the commercial viability of extraction operations to locate within designated mineral resource lands, subject to performance standards to minimize negative impacts on the surrounding area.

SJCC 18.35.015 Mineral resource lands district.

A. Designation Procedures. A mineral resource land overlay district may be applied based upon the following criteria, only upon acceptance by the County of a complete application from a property owner and upon approval of a redesignation in accordance with SJCC 18.90.030. Mineral resource lands of long-term commercial significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;

2. Current or future land use will not exceed a residential density of one dwelling unit per 10 acres;
3. Are not within an activity center, rural residential, natural or conservancy designation or any shoreline designation;
4. Are not within a regulated wetland or fish and wildlife conservation area pursuant to SJCC 18.35.085 through 18.35.140.

B. Allowable and Prohibited Uses. Allowable and prohibited uses within mineral resource lands overlay districts are specified in Tables 18.30.030 and 18.30.040 for the underlying designation. All uses must comply with any applicable performance standards (Chapter 18.40 SJCC) and development standards (Chapter 18.60 SJCC), unless otherwise specified in this code.

C. Nuisance and Disclosure Provisions.

1. 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.

2. Disclosure. The disclosure statement in subsection (C)(2)(b) of this section shall be used under the following circumstances and in the following manner:

a. Approval of any land division, land use, building, or development of lands adjacent to or within 500 feet of lands designated as mineral resource land shall be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on forms provided by the department. The executed form shall be recorded by the County auditor in the same manner as a deed. However, if a disclosure conforming to the provisions of this subsection has been recorded for a prior permit, subsequent disclosures shall not be required.

b. The required disclosure statement is as follows:

If your real property is within five hundred (500) feet of real property within an area designated as Mineral Resource Land you may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, tree removal, odors, fumes, dust, smoke, the operation of machinery, and the storage and disposal of aggregate products. One or more of the inconveniences described may occur as a result of extraction and processing operations which are in conformance with existing laws and regulations. San Juan County has determined that the use of certain real properties for mineral resource extraction and processing activities is necessary to ensure resource availability in the County. The County will not consider to be a nuisance those inconveniences or discomforts arising from extraction and processing operations, if such operations are consistent with commonly accepted best management practices and comply with local, state, and federal laws.

From: David Williams [<mailto:davidw@sanjuanco.com>]
Sent: Friday, August 12, 2022 2:38 PM
To: Francine Shaw
Subject: MRLO Request Egg Lake

Francine, per my voicemail, we need a report per the highlighted section below. Please let me know when you have a few minutes to chat. I think it can be fairly easily addressed in documents I am betting they already have.

Dave

18.35.015

A. Designation Procedures. A mineral resource land overlay district may be applied based upon the following criteria, only upon acceptance by the County of a complete application from a property owner and upon approval of a redesignation in accordance with SJCC [18.90.030](#). Mineral resource lands of long-term commercial significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;
2. Current or future land use will not exceed a residential density of one dwelling unit per 10 acres;
3. Are not within an activity center, rural residential, natural or conservancy designation or any shoreline designation;
4. Are not within a regulated wetland or fish and wildlife conservation area pursuant to SJCC [18.35.085](#) through [18.35.140](#).

David Williams
Community Development Director
San Juan County, Washington
www.sanjuanco.com
360-370-7571



Sophia Cassam

From: David Williams
Sent: Tuesday, August 16, 2022 5:09 PM
To: Sophia Cassam; Comp Plan Update
Subject: FW: MRLO Request Egg Lake
Attachments: Egg Lake Quarry Public Records.pdf; Egg Lake Quarry Form SM-8A.pdf; Surface Mine Reclamation Permit Form SM-9.pdf

FYI, related to land use map requests.

From: Francine Shaw <fshaw@rockisland.com>
Sent: Tuesday, August 16, 2022 3:24 PM
To: David Williams <davidw@sanjuanco.com>
Cc: 'Myron Williams' <williamsent@hotmail.com>
Subject: RE: MRLO Request Egg Lake

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, David:

Egg Lake Quarry is a known extractable resource with commercial quantities. It has been in operation for over 50 years, mining shale, since at least the early 1970's. (See attached public records for the 1986 permit issued for the expansion of the quarry.) Mining of this property continues today and will likely continue for another 40 years. (See attached WA Department of Natural Resources Form SM-8A.)

The purpose of the MRLO is to bring this mine into conformance with the San Juan County Code. It was established before land use districts (zones) and development regulations for mining uses existed in San Juan County. Mining on this site is considered a legal non-conforming use because the property is now zoned Rural Farm Forest which prohibits mining. The MRLO will recognize the mine as a conforming use.

The WA Department of Natural Resources (DNR) approved a Reclamation Plan for the quarry in 2016 (see attached Form SM-9 - Permit #70-013228). DNR recognizes that the mine has commercial quantities of extractable resources. I've also attached an Irrevocable Line of Credit granted to DNR that is used as a financial guarantee that the mine will be reclaimed once mining activity ceases to occur on the property.

I am unable to provide you with an economic report in this short notice but would be able to have one prepared before the re-designation application is brought before the County Council for final consideration if that acceptable.

Best regards,
Francine Shaw
Planning and Permit Services, LLC
P.O. Box 868
Friday Harbor, WA 98250-0868
(360) 298-4449

Thank you very much for doing that. It is a major part of the criteria for MRLO designation. That said, I believe the county too needs to have this report examined if not validated to proceed with the remapping effort as it relates to MRLO designation consideration for ELQ.

On Fri, Nov 4, 2022 at 6:19 AM Brooke Sullivan <brookes@sanjuanco.com> wrote:

Hi Nina,

Sophia is very busy finalizing materials for the Comprehensive Plan so I agreed to follow up on your request below. I have been validating the resource lands requests for Council, including reports on the long-term significance of mineral resources. I too have been unable to locate a report as part of the Egg Lake Quarry map change requests. I have reached out to the applicant to supply this information.

Thank you,

Brooke K. Sullivan, PhD | *Planner IV*

(360) 370-7588 | brookes@sanjuanco.com

From: Sophia Cassam <sophiac@sanjuanco.com>

Sent: Tuesday, November 1, 2022 12:31 PM

To: Brooke Sullivan <brookes@sanjuanco.com>

Subject: FW: Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional

Sophia Cassam, Planner III - Direct Line (360) 370-7589

SAN JUAN COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

360-378-2354 | [135 Rhone Street](#) | PO Box 947 | Friday Harbor, WA 98250

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From: Nina Connally <nina8.connally@gmail.com>

Sent: Wednesday, October 26, 2022 4:12 PM

To: Sophia Cassam <sophiac@sanjuanco.com>

Cc: David Williams <davidw@sanjuanco.com>; Comp Plan Update <compplancomments@sanjuanco.com>; Richard Oettinger <ricko4747@gmail.com>

Subject: Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional

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Dear Sophia and all: *I am resending this email because the screen print messed up the formatting in my original email sent yesterday.*

Can you please direct me to the document in SJC labyrinth of files associated with the your staff's 2020 action to reach out to property owners in the County with either an active mining permit from the state or mining use code in the County parcel database and request their application for MRLO Designation.

We specifically need a **copy of the report proving that the Egg Lake Quarry LLC (ELQ) applicant has a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by qualified professional.** This is a major piece of the County criteria to substantiate that **ELQ's** mineral resource land will provide **long-term commercial significance from which the commercial extraction of minerals** (sand, gravel, rock, and other valuable aggregate or metallic substances) can be **anticipated within 20 years.**

Per <https://www.codepublishing.com/WA/SanJuanCounty/html/SanJuanCounty18/SanJuanCounty1835.html#18.35.015>:

ELQ must meet ALL of the criteria including submittal of a geologic and economic report prepared by a qualified professional verifying that ELQ has a known or potential extractable resource in commercial quantities.

There were many verbal references made in the past hearing on Sept 16 as to the long term viability of the ELQ operation. Several mining professionals from Mike Carlson's company stated ELQ was soon to be exhausted in terms of gravel extraction. Francine Shaw, ELQ's agent, stated the ELQ gravel extraction life was 40 years.

The report that the county must have on file will cut through the *hearsay* and provide factual evidence if ELQ meets the criteria to proceed.

Thank you for your attention to this important request.

Sincerely,

Nina Connally and Richard Oettinger

SJC Citizens

Cell: 360-298-2122

Home: 360-378-4747

FAX: 360-346-1020

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**APPLICATION FOR
RECLAMATION PERMIT
(Form SM-8A)**

Check appropriate box(es): new permit revision of existing permit transfer of permit expansion

NOTE: Do not attempt to complete this form until you have carefully read "Instructions for Form SM-8A".

1. NAME OF APPLICANT/PERMIT HOLDER(S) Egg Lake Quarry LLC C/O Myron Williams				
2. MAILING ADDRESS 65 Gill Lane, Friday Harbor, WA 98250-9614				
3. Telephone (360) 378-2288 UBI No. 602-152-803				
4. NAME OF MINE Egg Lake Quarry				
5. Street address and milepost of surface mine The mine is located at 65 Gill Lane (0.6 milepost on Egg Lake Road).				
6. Distance (miles)	7. Direction from Northeast	8. Nearest community Friday Harbor		
9. COUNTY San Juan No attachments will be accepted. Legal Description of permit area:				
1/4	1/4	Section	Township	Range
	SE	32	36N	3W
10. TOTAL ACREAGE OF PERMIT AREA APPLIED FOR: (Include all acreage to be permitted. See Form SM-6.) 10.10 acres				
11. Do you or any person, partnership, or corporation associated with you now hold, or have you held, a surface mining operating or reclamation permit? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no If you answered yes to the above, please list:				
Permit Number	Active Operation?		Reclamation current/complete?	
	Yes	No	Yes	No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Are all of these mines now in compliance with RCW 78.44, WAC 332-18, and conditions of the permits? <input type="checkbox"/> yes <input type="checkbox"/> no				
13. Have you ever had a surface mine operating or reclamation permit revoked? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no Have you ever had a reclamation security forfeited? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no If you answered yes to either of the above, give permit number(s):				
14. Type of proposed or existing mine: <input type="checkbox"/> pit <input checked="" type="checkbox"/> quarry Material(s) to be mined: <input type="checkbox"/> sand and gravel <input checked="" type="checkbox"/> rock or stone <input type="checkbox"/> clay <input type="checkbox"/> metal <input type="checkbox"/> limestone <input type="checkbox"/> silica <input type="checkbox"/> other Deposit type: <input checked="" type="checkbox"/> glacial <input type="checkbox"/> river floodplain (alluvial) <input type="checkbox"/> river channel deposits <input type="checkbox"/> talus <input checked="" type="checkbox"/> bedrock <input type="checkbox"/> lode <input type="checkbox"/> unknown <input type="checkbox"/> other				

15. Total disturbed acreage and maximum depth of permit area:
(Include all acreage to be disturbed by mining and reclamation during the life of the mine.
Total area to be disturbed: 10.10 acres.
Area to be disturbed in next 36 months: 1 acres.
Maximum vertical depth (thickness) mined below pre-mining topographic grade will be 60 feet.
Lowest elevation of excavated mine will be 170 feet relative to mean sea level.
Highest elevation of excavated mine will be 400 feet relative to mean sea level.

16. Expected start date of mining: Existing	17. Estimated number of years: 40 years
18. Total quantity to be mined over life of mine (estimated)?? 800,000 <input type="checkbox"/> tons or <input checked="" type="checkbox"/> cu yds	19. Estimated annual production: 20,000 <input type="checkbox"/> tons or <input checked="" type="checkbox"/> cu yds

20. Subsequent land use: industrial commercial residential
 agricultural forestry wetlands and lakes
 other Unknown - once mining ceases and the land has been reclaimed it will be sold and developed by the new owner.
Reclaimed elevation of floor of mine: 170 feet relative to mean sea level
Reclaimed elevation is shown on cross sections? yes no
Subsequent land use is compatible with County or Municipal comprehensive plan? yes no
County or Municipality Approval for Surface Mining (Form SM-6) attached? yes no
SEPA Checklist required? yes no
If any answers are no, explain:

21. Application fee for a new reclamation permit is herewith attached? yes no

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JAN 26 2016
Geology and Earth Resources

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