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COMMUNITY PLANNING

MEMORANDUM

TO: Board of Clark County Commissioners
FROM: Oliver Orjiako
DATE: November 12, 2014
SUBJECT: Surface Mining Overlay (SMO) Update; Public Hearing

PURPOSE

The purpose of the hearing is to consider Planning Commission recommendations for mineral resource lands in support of the Surface Mining Overlay (SMO) update. The SMO update includes 1) an update to the comprehensive plan map of where the overlay is applied; 2) revisions to comp plan mineral resource lands policies; and 3) revisions to development standards relating to mining activities.

BACKGROUND

Clark County adopted a Surface Mining Overlay map and code standards as well as mineral lands policies in 1994. These standards and designations have not changed substantially since then. Two events prompted the County to initiate an update of its mineral resource lands regulations:

- In October 2005, the Washington Department of Natural Resources Division of Geology and Earth Resources produced an aggregate resource inventory map for Clark County. Resources were classified and mapped as identified, hypothetical, and speculative.
- In 2009, the Washington State Legislature adopted changes to the regulations and guidelines for classifying and designating mineral resource lands which became effective February 2010.

Counties planning under the Growth Management Act are required to identify, designate, and protect 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). There are four mandatory elements when updating the Surface Mining Overlay (SMO):

- The County must approach the effort as a county-wide or regional process.
- The County must identify and classify mineral resource lands from which the extraction of minerals occurs or can be anticipated.
- The County must designate known mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded.
- The County must review its policies and development regulations for mineral resource lands. (RCW 36.70A.131).

PROCESS

The Board appointed a Mineral Lands Task Force which held 13 meetings between November 8, 2011 and August 13, 2013. Recommendations came from the task force for updating the surface mining overlay map, as well as on the mineral lands policies and standards. Most of the public outreach, including the 60-day Commerce review and the preparation of a SEPA checklist, occurred prior to the Planning Commission hearings.

The Planning Commission held four public hearings in the fall of 2013, and made its recommendations to the Board. The Board of County Commissioners and the Planning Commission held a joint meeting on April 17, 2014 to discuss proposed SMO designations as recommended by the Planning Commission. The Board on June 3, 2014 agreed in principle to the Planning Commission recommendation with the exception of the inclusion of Courtney Pit.

The Planning Commission also made recommendations on the comp plan policies and development standards related to mineral resource lands. Those recommendations to the Board are dated December 5, 2013. One of the recommendations was for staff to draft a new code section on monitoring and enforcement.

Staff presented the updated policy and development standard language at a Board work session on August 27, 2014. The Friends of Livingston Mountain (FLM) also presented recommendations to the Board at that meeting. The Board asked staff to attempt to reconcile the Planning Commission recommendations and proposed staff changes with various stakeholders. Staff met with both the Friends of Livingston Mountain and with industry operators to attempt to work out any remaining differences.

PROPOSAL

The proposal is to:

- 1) amend where the surface mining overlay is applied on the comprehensive plan map. The Board has already agreed on where the SMO will be applied. The map and map rationale are attached (Attachments A and B);
- 2) revise comprehensive plan mineral resource lands policies; and
- 3) replace the surface mining overlay code language (CCC Section 40.250.020) with new code language. Proposed changes to the policies and to the SMO code language are attached (Attachment C).

To the extent possible, proposed changes to mineral resource lands policies and development standards include suggestions from stakeholders. Because of the new language and some changes and edits proposed by staff, it was decided that the policies and standards should go back to the Planning Commission before the entire package is considered by the Board. The Planning Commission had a work session on November 6, 2014. They will hold a public hearing on November 20, 2014.

Attached are several recent letters and emails received with regard to the SMO update.

Attachments

- A: Map of proposed locations for the SMO
- B: Explanation for SMO map locations

- C: Planning Commission recommendation for minerals lands policies and development standards, with staff and stakeholder proposals
- D: Dentler letter
- E: FLM response to the Dentler letter
- F: Christ comment
- G: Mann comment