



# Planning & Development Services

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## Memorandum

To: **Planning Commission**

From: Michael Cerbone, AICP  
Nick Schmeck, Planning Intern

Date: October 2, 2019

Re: **Planning Commission Workshop – Docket Item PL18-0404**

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### Summary:

Planning and Development Services (PDS) is providing this staff report in advance of the October 8<sup>th</sup> Planning Commission workshop on docket item PL18-0404 MRO Designation Removal of the Mineral Resource Overlay (MRO) north of Sedro Wooley and East of Highway 9 (see attached map). Applicant wants to remove MRO Designation in order to develop Mangat Estates which would include a division of 140 acres into 10 lots using the CaRD process. There would be nine one-acre residential lots and one 128-acre open space lot. The open space would consist of 11+ acres designated as Open Space Reserve (OS-RSV) and 116+ acres as Open Space Protected Area (OS-PA). An internal road, on-site sewage disposal, and individual drilled wells will service this project.

### Action Requested of the Planning Commission:

Action requested from the Planning Commission is a recorded motion approving docket item PL18-0404 to be accepted as a 2019 Policy/Code Amendment.

### Background/Discussion:

RCW 36.70A.130 – Comprehensive Plans – Review procedures and schedules – Amendments (GMA), authorizes the County to make revisions to the Comprehensive Plan no more than once per year through the Docket.

The applicant is requesting removal of the Mineral Resource Overlay located north of Sedro Wooley and east of Highway 9. The applicant seeks removal of the entire MRO. The applicant's materials are attached as Attachment A. The applicant's representative attended a meeting before the Planning Commission on September 24 to present the request and answer questions.

### Next Steps:

- Planning Commission may task PDS with next steps such as research and development
- Planning Commission will host a public hearing prior to deliberating and deciding on a recommendation

- The recommendation will then be passed onto the BOCC's who will host a public hearing and consider the recommendation
- If approved, PDS staff will implement the code amendment as part of the development review process

**Applicable County Policies:**

The following County Policies are applicable to this Comprehensive Plan Amendment item:

***Mineral Resource Overlay (MRO)***

*Goal 4D            Conserve mineral resource lands of long-term commercial significance where mining and processing activities are economically and environmentally feasible and where conflicts with other land uses can be minimized.*

*Skagit County supports environmentally responsible and safe mineral resource extraction and processing activities. Mineral resource lands where mining and processing activities are economically and environmentally feasible and where conflicts with other land uses can be minimized are to be identified and designated as a Mineral Resource Overlay (MRO) to conserve mineral resource lands of long-term commercial significance. Because mineral extraction sites can take 20 to 40 years or longer to excavate, identifying and protecting opportunities for mineral extraction operations requires a long-term planning horizon.*

*Extraction and processing of construction material such as sand and gravel make up most of the mining activity in Skagit County, although there is significant hard-rock mining and processing of such resources as olivine, various other "green rock," and limestone. Protection of these mineral resources from competing land uses ensures the availability of basic building materials, and helps to reduce costs, as producers would otherwise be forced to transport low value, high volume commodities over long distances.*

*The potential for mining without adverse impacts is greatest in relatively undeveloped areas. Valuable and non-replaceable resources in these areas are preserved, to the extent possible, by indicating that mining will be the preferred land use for these areas, and by establishing guidelines for adjacent land uses that will help reduce potential conflicts with mining. Extractive industries can conflict with residential uses in several ways, including potential noise, dust and hazards from blasting, rock crushing and heavy truck traffic. Therefore, it is important to establish firm policies and regulations to protect public health and safety, while also preserving a valuable part of Skagit County's economy, now and into the future.*

*Concerns and issues related to mining activities in riverine areas are addressed in the Skagit County Shoreline Management Master Program. Concerns and issues related to metal mining are addressed at the state level. The Washington State Department of Natural Resources and the Washington State Department of Ecology have previously codified the Washington State metal mining law. This element proposes not to allow chemical leach mining in Skagit County until state laws are enacted to allow such activities.*

*Goal 4D-1            Designate and map long-term commercially significant mineral resource lands as an overlay to the Comprehensive Plan Map.*

*policy 4D-1.1 Mineral Resource Designation Criteria: Designate Mineral Resource Overlay based on geologic, environmental and economic factors, existing land uses, land ownership, surrounding parcel sizes, and additional criteria specified in this element and in the Minimum Guidelines to Classify Mineral Lands in WAC 365-190-070. Designating mineral resources of long-term commercial significance is not limited by a projection of need. Like agricultural and forest lands, mineral resources are protected for the long-term. The following first tier of criteria relies primarily on geologic information to identify commercially significant mineral resource lands and shall be considered when designating Mineral Resource Overlay areas.*

*(a) Marketability. Lands containing minerals that are minable, recoverable, and are historically, and therefore anticipated to be, commercially traded are considered marketable.*

*(b) Minimum Threshold Volume. Construction materials (sand and gravel) and quarry rock are considered for mining when the estimated volume is such that establishing, maintaining and reclaiming the mine would be practical. For the minerals below, minimum threshold volumes are relatively constant compared to market values and are used in the mining industry as predictors of commercial significance. The application of these criteria is approximate using the estimated area and depth of the identified resource.*

*(i) Construction materials: A minimum threshold volume of 1,000,000 cubic yards shall be used to identify commercially significant deposits of sand, gravel, and pit run rock, capable of being used in construction, that normally requiring minimal processing (commonly washing and grading).*

*(ii) Quarry rock: A Minimum Threshold Volume of 1,000,000 cubic yards shall be used to identify commercially significant deposits of quarry rock products, such as shot rock meeting all strength and durability specifications of the Washington State Department of Transportation's 2004 Standard Specifications for Road, Bridge and Municipal Construction (or later editions).*

*(c) Minimum Threshold Value. All other mineral resources shall use a minimum threshold value to identify commercially significant mineral resource deposits. The values in 2000 equivalent dollars shall be met or exceeded. Threshold value is the projected value (gross selling price) of the first marketable product from an individual mineral deposit, upon completion of*

*the extraction and any required mineral separation and processing. The threshold values are intended to indicate in a general way the approximate minimum size of a mineral deposit that will be considered significant for designation. The values are not intended, nor in practice could they be, for use as precise threshold values.*

*(i) Industrial and Chemical Mineral Materials: Minimum Value \$1,000,000. Non-metallic mineral materials, such as building and dimension stone, limestone, or specialty sands, which normally receive extensive processing.*

*(ii) Metallic and Rare Minerals: Minimum Value \$500,000. Metallic elements and minerals, gemstones, and minerals that possess special properties valuable to science or industry, including dunite and other olivine-rich rock.*

*(iii) Non-fluid Mineral Fuels: Minimum Value \$1,000,000. Nonhydrothermal mineral fuels occurring in sedimentary rocks such as coal bed methane, bituminous coal, lignite, peat, organic shale, tar sand, uranium and thorium.*

*policy 4D-1.2 Standards for Geologic Information: Adequate information for the purpose of designating areas within the Mineral Resource Overlay shall consist of, but not be limited to, site-specific information prepared by a licensed geologist, U.S. geological survey maps, and/or information on file with the Washington Department of Natural Resources.*

*policy 4D-1.3 Mineral Resource Designation Considerations: All lands meeting the criteria in Policy 4D-1.1 shall be further reviewed considering the following additional criteria. Certain limited pre-existing designated MRO lands that may not meet the criteria below may retain their MRO status to address unique economic circumstances or access-to-market.*

*(a) General land use patterns in the area;*

*(i) Designate MRO only on lands designated as Industrial Forest, Secondary Forest, or Rural Resource.*

*(ii) Designate MRO lands outside National Park Service lands, National Forest Service lands, Wild and Scenic corridors, Agricultural Resource lands, and Open Space of Regional/Statewide Importance.*

*(iii) Residential gross densities for land designated as MRO shall be no greater than 1 residential dwelling unit per 10 acres.*

*(iv) The preferred land uses adjacent to designated mining sites are open space, forestry, or industrial uses.*

*(b) Surrounding parcel sizes and surrounding land uses. Designate MRO lands in areas with surrounding land uses that have a maximum designated density of 1 residence per 10 acres. Appropriate surrounding land use zoning for MRO lands include: Industrial Forest, Secondary Forest, Rural Resource, Rural Reserve, Natural Resource Industrial and other industrial uses;*

*(c) Availability of public roads and other public services. Although mining within one to two miles of public roads is preferred, designation of mineral resources beyond this range may be necessary to preserve resources for future use;*

*(d) Division or zoning for urban or small lots. Designate MRO areas  $\frac{1}{4}$  mile away from Rural Villages, Rural Intermediate, and Urban Growth Areas, except in limited cases where pre-existing mineral extraction areas may be retained to address unique economic circumstances or proximity-to-market. Conservation and Reserve Developments are acceptable on and within  $\frac{1}{4}$  mile of MROs, provided that the allowed density (with or without a density bonus) does not exceed 1 dwelling unit per 10 acres.*

*(e) Accessibility and/or distance from point of use. Although mining is preferred within two hours driving distance from incorporated cities or other points of use, designation of mineral resources beyond this range may be necessary to preserve resources for future use;*

*(f) Physical and topographic characteristics of the site or area do not preclude mining;*

*(g) Depth of the resource or its overburden does not preclude mining;*

*(h) Physical properties (such as strength or durability) and quality of resource (such as the percentage of fines in the resource) is sufficient to be marketable;*

*(i) Life of the resource is sufficient to be marketable;*

*(j) Resource availability in the region. All mineral resources of long-term commercial significance are designated. This helps to ensure that resources are available, and local industry can be responsive to future demand; and*

*(k) Policies and regulations are in place to mitigate the potential effects of sediments and pollutants on public drinking water.*

*policy 4D-1.4 Mineral Resource Overlay Density Policies: Residential gross densities on or within ¼ mile of a Mineral Resource Overlay shall be no greater than 1 residential dwelling unit per 10 acres. New subdivisions with densities greater than 1 unit per 10 acres may be permitted only if the additional development rights can be transferred to and clustered on that portion of the same property lying outside of ¼ mile from the MRO, consistent with the Conservation and Reserve Development (CaRD) land division regulations.*

**List of Attachments:**

Attachment A- Applicants Submittal