



# PLANNING & DEVELOPMENT SERVICES

GARY R. CHRISTENSEN, AICP, DIRECTOR

OSCAR GRAHAM, DEPUTY DIRECTOR

PATTI CHAMBERS  
Administrative Coordinator

BILL DOWE, CBO  
Building Official

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## MEMORANDUM

**To:** Skagit County Planning Commission  
**From:** Guy McNally, AICP  
**Date:** September 5, 2006  
**Re:** Mineral Resource Overlay Themes: Suggested Reading

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[Note: An electronic version of this memorandum was transmitted to the Planning Commission on 9/05/06]

Planning Commission:

In advance of deliberations on the Mineral Resource Overlay policies and regulations, please review the August 1, 2006 memo, "Responses to Major Themes of Public Comment...", subsection C – Mineral Resource Lands, pages 8-9. Also, the Reference Table, below, provides linkages between the 3 Mineral Resource Overlay (MRO) "themes" outlined in the above-referenced memo, and applicable existing or proposed policies and regulations, as well as the relevant portions of the February 17, 2006 Integrated SEPA/GMA Report.

The three MRO "themes" can be characterized as either public concern over potential incompatibilities between mining and residential quality of life, or the influence of the MRO on a landowner's ability to develop at greater than 1 dwelling unit per 10 acres in certain Rural Reserve areas. The Department believes that these issues can be understood in their full context by first reading and considering the relevant portions of the Integrated SEPA/GMA Report, the proposed draft Comprehensive Plan, and the existing adopted Unified Development Code (development regulations). The table below will point the reader to the appropriate sections.

Except as referenced in the Integrated SEPA/GMA Report, very few substantive changes were made to the MRO policies and regulations from what is currently adopted. The Department's recommendation is to adopt the Mineral Resource Overlay policies and regulations as proposed in the February 10, 2006 Draft Comprehensive Plan, and Draft Skagit County Code Changes. Minor amendments may be appropriate to address issues that may arise during deliberations.

While reviewing the table and associated readings, three fundamental points to consider, *in addition* to the above readings, are as follows:

- The Growth Management Act requires the designation of agricultural, forest, and "*mineral resource lands that are not already characterized by urban growth and that have long-term commercial significance for the extraction of minerals...*" (RCW 36.70A.170(c)). Further, RCW

36.70A.131 requires that the County include in its update “*new information made available since the adoption or last review of its designations or development regulations, including data available from the department of natural resources relating to mineral resource deposits...*”.

The expanded Mineral Resource Overlay is the result of a methodic and careful consideration of Comprehensive Plan designation criteria consistent with the above requirements. Skagit County’s MRO policies are intended to ensure that *all* mineral resources of long-term commercial significance are designated now and for the long term, before encroaching development precludes such designation in the future.

- Skagit County’s MRO policies and regulations work in concert with other jurisdictions’ requirements to ensure that when and where mining does occur, stringent development regulations, standards, procedures, and other measures are employed to minimize and mitigate the impacts of mining to the greatest extent possible.
- Certain locations exist where, historically, areas of higher (than 1 d.u./10 acres) densities lie adjacent to existing mines or quarries, or a designated MRO area. To a very limited extent, Skagit County has found such relationships unavoidable, and has therefore allowed for the designation of the MRO where separation of the two pre-existing uses would be impractical or impossible (e.g., Fidalgo Island (Havekost Rd), south of Mount Vernon (Pleasant Ridge area), and other areas).

Please call me if you have questions prior to deliberations on Tuesday, September 12<sup>th</sup>.

(See table, next page)

# Mineral Resource Overlay (MRO) Reference Table

**Use this table to link the issues referenced below to respective  
Comprehensive Plan policies, Skagit County Code provisions, or other relevant sources.**

September 5, 2006

**August 1<sup>st</sup> Memo: Response to Major Themes: Natural Resource Lands Element, Page 8, Mineral Resource Overlay (MRO)**

| Issue No. | Description   | Relevant Policy or Code Provisions   | Location in Proposal (Document/Section/Page)  | Discussion in Integrated SEPA/GMA Report   |
|-----------|---|--|---|--|
| 1.        | Environmental impacts of expanded MRO<br><br>( <u>Read Themes Memo, Issue No. 1</u> )             | Draft Comp Plan Chapter 4, pages 27 – 45<br><br><u>Existing Code:</u><br>SCC 14.16.440(8)-(11)<br>SCC 14.16.200(2) Current code<br>SCC 14.16.840 – also minor proposed change to noise | No specific location. General theme relates mostly to extent of revised MRO. There has been no change in Comp Plan designation criteria, or to the extent of project-specific impact mitigation in existing / proposed development regs.                                      | P. 45, paragraphs 3 & 4, Pages 70 – 72   |
| 2.        | Densities in some areas are incompatible with MRO<br><br>( <u>Read Themes Memo, Issue No. 2</u> ) | Draft Comp Plan Chapter 4. Theme relates most specifically to the interpretation and application of Policy 4D-1.3(b), in context with other designation criteria.                      | Various map locations, both in relationship to existing, and revised MRO, where the MRO abuts Rural Reserve areas of localized substandard densities (higher than 1 dwelling unit / 10 acres). This situation is unchanged by proposal, although is greater in aerial extent. | P. 45, paragraphs 3 & 4, Pages 70 – 72   |
| 3.        | Density restrictions adjacent to MRO<br><br>( <u>Read Themes Memo, Issue No. 3</u> )              | Draft Comp Plan Chapter 3, policy 3A-2.6.<br><br>Draft SCC 14.18.310, Table: Exceptions to CaRD densities. NOTE: Language clarification only. This is an existing provision.           | No specific location. General theme relates to the influence of the MRO on ability to enjoy CaRD density increase. NOTE: The MRO is only one of several restrictions outlined in SCC 14.18.310(2).  | P. 72 – last 2 sections.<br><br>Section II, Appendix D, Page 5, Change No. 109 (description of intent of change to SCC 14.18.310(2)) |