General Rules and Requirements for Mineral Extraction and Processing Activity in Clallam County

Mining Overview
Mineral Extraction (mining) is the removal of material for sale. It can include the sale of top soil, peat, sands, gravel, basalt, and sandstone (see RCW 78.44.031(7)). Sand and gravel operation are usually excavated with a bulldozer. For solid basalt quarries the material is usually broken up with blasting. Typically if a mineral extraction permit is located on timberland and solely used for timber road maintenance, the County, DNR Reclamation, and Ecology, do not regulate these operations.

Processing activities usually involve sorters that sort material into various sizes and crushers that will crush larger material into usable sizes or facture the rock to meet specification for the facet required for concrete and asphalt. If a rock source meets certain standards it can be used for State DOT and County road projects. The Department of Community Development does not consider asphalt or concrete plants as processing activities and would require additional zoning requirements, if allowed.

All mineral extraction permits are required to contain a stormwater plan and required to treat the stormwater before it’s discharged.

Right to Mine
Clallam County Code, Chapter 27.10 addresses the Right to Practice Forestry, Mining, and Agriculture. Natural Resources, as stated in the Washington State Growth Management Act is a use that should be protected and encouraged. Chapter 27.10.010 further states “Forestry, mining and agricultural activities, operations, facilities or appurtenances thereof, operating in a Forestry Zone or an Agricultural Cluster Zone, or a designated mining site within a Mining Overlay Zone are favored land uses in Clallam County. As long as these uses are allowed under CCC Title 33 and are conducted or maintained in a manner consistent with current best management practices and do not violate local, state or federal regulations, they shall not be considered a nuisance or be declared a nuisance, as defined in Clallam County Code. This protection will be effective regardless of past or future changes to the surrounding area’s land use or zoning designation”. This is intended to protect natural resource uses from nuisance complaints from incompatible or sensitive land uses if they operate in compliance with local, state and federal regulations and follow Best Management Practices. In Clallam County there is currently no Mining Overlay Zone, however, Comprehensive Plan Policy Section 31.02.150(2)(e) CCC states that established mineral resource site areas are a preferred land use and should receive protection from incompatible uses.

Surface Mining Permit
Once DCD has completed the review the county signs off on a SM-6 for that addresses whether the mineral extraction and processing activity complies with Clallam County Codes and whether the reclaimed use (subsequent use) is consistent with the Zoning Code.

DNR reviews the mineral extraction and processing activity to ensure that they are mined safely and that they are reclaimed (see RCW 78.44) DNR requires a bond to ensure that they have
adequate funds to reclaim a site if landowner does not reclaim the site. DNR also usually takes the lead for changes to existing pit (depth or how the site is mined) within the existing footprint. If the pit seeks a horizontal expansion it is usually reviewed by the County again.

**Clallam County Zoning Requirements**
In Clallam County, mineral extraction usually requires a conditional use permit, except in the Commercial Forest Zones, where mineral extraction and processing is a permitted use (See Table on page 6).

**Clallam County Critical Area Requirements**
Mineral Extraction and processing activity is considered development and land disturbing activity, Sections 27.12.900(15) & (33) CCC. If new mineral extraction and processing activity is located within the jurisdiction of Critical Areas (Table 1 of Section 27.12.025(2) CCC), then DCD will issue a Critical Area permit (per Section 27.12035(2) CCC).

**State Environmental Policy Act (SEPA)**
If a county permit is required, then DCD is the lead for the State Environmental Policy Act (SEPA) (see Title 27.01 CCC, WAC 197-11, or RCW 43.21c). DCD addresses the size of the operation and general depth. DCD also addresses operation measures (see RCW 78.44.031(8)) such as noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations, visual impacts, and other issues. These impacts can be mitigated through such measures as: restrictions on what activities are permitted, where mineral extraction and processing may occur, hours of operation, visual buffers, road improvements, hydro geologic analysis, noise studies, site improvements (like paving or graveling haul road) and other issues through the required permit and/or SEPA.

**Stormwater (NPDES)**
The Washington State Department of Ecology issues a National Pollutant Discharge Elimination Permit (NPDES). General Sand and Gravel Permits for mineral extraction and processing activities (see Ecology NPDES Sand-Gravel General-Permit). This is a permit that covers all stormwater discharge water quality and issues with a mineral extraction and processing activity.

**Air Quality**
Clallam County requires rock pits and processing areas to have water to control dust and to gravel or pave roads to reduce dust. The Olympic Region Clean Air Authority (ORCAA) requires a Notice of Construction for a crushers or a large generator are being used, but does not require a permit for sorters or the use of a loader/excavator and trucks. For more information: [https://www.orcaa.org/](https://www.orcaa.org/) or at the following link: ORCAA.

**Noxious Weeds**
Rock pits deliver material throughout the county. In addition, many pits accept clean fill to obtain material to reclaim the pit and also as a source of revenue. The movement of material in and out of the site and also the site disturbance and often periods of inactivity can make rock pits a source of noxious weeds. The Olympic National Park does not accept material from rock pits that are not certified as noxious weed free. The county has been requiring this from rock pits and projects that import and export large amounts of material. In addition, these projects are being required to coordinate with the Noxious Weed Department to develop a plan for controlling noxious weeds. Additional information is available at the [http://www.clallam.net/weed/](http://www.clallam.net/weed/)
**Noise Standards**

Clallam County have not adopted any noise standards that would apply to mineral extraction and processing activities. Typically different equipment (loader, sorter, and crusher) generate different noise based on the specifics of the equipment and if there are any noise reducing measures employed. There are some allowances for certain infrequent activities (alarms, blasting, etc). Noise levels can vary based such factors as wind, temperature, barometric pressure, and other factors. Clallam County would require a noise study (acoustic analysis) if a mineral extraction and processing activity were being proposed close to residences. The noise study would determine the dBA based on the proposed equipment with measures to reduce (muffler, berms, distance, etc) on the receiving land use.

The WA State Department of Ecology has Maximum Environmental Noise Levels in **WAC 173-60**. Noise is measured in decibels (dBA) and there are daylight and nighttime standards for receiving properties. Typically rock pits are considered industrial use (Class C) from a noise perspective and a residence is considered a residential use (Class A) **WAC 173-60-040**. The maximum permissible noise levels from mineral extraction to a residence is 55 dBA from 7 a.m. to 10 p.m. and 45 dBA from 10 p.m. to 7 a.m.

**Forestry**

If trees (over 5,000 board feet or 2 log trucks) are removed from a site and the area is not reforested within 3 years the activity, the proposal will usually require a Class IV General Forest Practice Permit. The County usually is lead if the activity requires a county permit otherwise the first state agency with a permit would be the issue the SEPA Threshold Determination. (See County **Forestry in Clallam County** and **RCW 76.09** and **WAC 222**).

**Clallam County Code** A link is provided to access the County’s Zoning Ordinance: https://www.codepublishing.com/WA/ClallamCounty/

**Clallam County Comprehensive Plan - Below are some excerpts that pertain to Mineral Resource Lands**

Section 31.02.145 describes Mineral resource Land issues.

1. Mineral resource lands in the County provide vitally needed construction materials to the residential, commercial and industrial sectors of the economy, as well as government agencies charged with road construction and maintenance. Our mineral resources are finite; a stable, low-cost source of material can only be assured if measures are taken to protect the resource and allow it to be extracted.

2. Mineral resources found in Clallam County include sand and gravel, rock, industrial minerals and metallic minerals. The Department of Natural Resources has identified likely locations of these mineral resources. Where these resources exist in rural areas, measures to ensure the continued extraction of these finite resources should be considered. Planning and land use regulations could achieve mineral resource land conservation in the following ways:

   (a) Overlay zoning on mineral resource lands giving priority for extraction over subdivision;
(b) Exclusive zoning on mineral resource lands requiring extraction of resources before subdivision;
(c) Forest land zoning with allowance for mineral extraction.

3. Environmental impacts of mineral extraction can be substantial. Aggregate production temporarily obliterates entire mine-site ecosystems, but this loss can be mitigated with carefully sequenced reclamation. The effects of truck traffic can be a primary concern in designating construction aggregate mines. Damage to river beds can be another major impact of mining. Channel bar scalping can reduce the probability of flooding but can also change the river-bed morphology. Possible reduction of the quantity of groundwater is a concern in new mineral sites. Excavation breaching the lateral or seat-seals of perched aquifers can cause loss of water supplies and other damage. Washington State has several regulations which govern mineral extraction and associated impacts, including but not limited to: Surface Mining Act, Growth Management Act, Water Quality Standards, Shoreline Management Act, and the State Environmental Policy Act.

Section 31.02.150 Mineral land goals:

1. Based on best known available information, the Comprehensive Plan land use map should designate potential locations of all sand and gravel, hard and durable bedrock, industrial minerals, and metallic mineral deposits.

2. Development regulations to conserve mineral resource lands shall be as follows:

   (a) Mineral extraction and processing should be considered as one land use, subject to appropriate permits.

   (b) Mineral extraction and process in commercial forest lands should be permitted outright, and a conditional use in rural and urban land use designations.

   (c) The locations of fifty (50) year supplies of construction aggregates should be shown on land use (e.g., zoning) maps made available to the public. Development regulations shall ensure that adjacent land uses do not interfere with the continued use, in the accustomed manner, of these designated lands for the extraction of minerals. Development regulations should include increased setbacks for adjacent residential development, and notice to future purchasers for new residential subdivisions adjacent to an approved mineral resource zone.

   (d) Development regulations or review of mineral process and extraction permits should be direct and proportional to the impacts that need to be mitigated. For example, the ordinance or conditions of approval should limit impacts (noise and dust), but not activities (crushing and sorting). Approvals should be valid through completion of the activity with compliance sought through enforcement penalties or performance bonds.

   (e) Once a mineral resource site has been established, such site shall be considered a preferred land use and receive protection under a “right to practice mining” ordinance and development proposals within 600 feet of such sites will be reviewed for compatibility with mineral extraction activities.
(f) Mineral extraction operations shall use “best management practices” as required by the Surface Mining Act and County plans, policies and ordinances. Such operations shall reclaim sites for productive forestry, agriculture, residential or other use after mineral extraction operations permanently cease. Newly established mineral extraction operations are required to meet buffering and setback provisions contained in the mineral overlay district in order to reduce impacts on nearby residences.
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Map 1e- East Mineral Overlay Map- Based on Comprehensive Plan Mapping Considerations

Current Comprehensive Plan Mineral Overlay Map Areas
- Based on Geology (Sand & Gravel, Rock, Metallic, Industrial)
- Based on Zoning (includes CF, CFM5, CFM20)
- Active, Inactive, Reclaimed, or Former mine sites-Does not include all (Clallam County 2009)
- Listed as Active DNR Mine Site (April 10, 2019)
- Borrow Pits (Clallam 2002)

Other Map Features
- Incorporated Cities
- Tribal Trust Lands
- Olympic National Park
- Olympic National Forest
- Unincorporated Urban Growth Area Boundary
- Highways
- Main
- Major Rivers
- County Boundary

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Map Details:
- Towns: Port Angeles, Sequim
- Roads: Camp David Junior Rd, Comprehensive Plan Mapping Considerations
- Water Bodies: Strait of Juan de Fuca
- Other Features: Olympic National Forest, Olympic National Park, Tribal Trust Lands, County Boundary

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(Additional details and annotations related to the map content are not transcribed here as they are not directly relevant to the text).
Map 1w- West Mineral Overlay Map- Based on Comprehensive Plan Mapping Considerations

- Current Comprehensive Plan Mineral Overlay Map Areas
  - Based on Geology (Sand & Gravel, Rock, Metallic, Industrial)
  - Based on Zoning (includes CF, CFM5, CFM20)
  - Active, Inactive, Reclaimed, or Former mine sites- Does not include all (Clallam County 2009)
  - Listed as Active DNR Mine Site (April 10, 2019)
  - Borrow Pits (Clallam 2002)

- Other Map Features
  - UGA Boundary
  - Highways
  - Main
  - Major Rivers
  - Olympic National Park
  - Olympic National Forest
  - Tribal Trust Lands
  - Cities
  - County Boundary

Map Legend:
- Clallam Bay/ Sekiu UGA
- Olympic National Park
- Olympic National Forest
- Olympic National Forest
- Tribal Trust Lands
- Cities
- County Boundary
- UGA Boundary
- Major Rivers
- Highways
- Main

Map Extents:
- Strait of Juan de Fuca
- Port Angeles