

A new stand-alone Chapter to Title 33, "Zoning" is proposed by staff. Persons or firms choosing to extract mineral resources will gain certain "benefits" (protections) if they obtain MRLOD status. Jefferson County has a similar process in place within its development regulations.

There shall be added to the County Code, a new Chapter 33.62, entitled "Mineral Resource Land Overlay Districts" or "MRLOD," which shall read in its entirety as follows:

33.62.010 Purpose. The primary purpose of such districts is to implement the mineral resource lands designation of the Comprehensive Plan, established pursuant to RCW [36.70A.170](#), by allowing the type of activity that encourages and supports the opportunity for the extraction of minerals in areas of Clallam County designated as containing resources viable for long-term commercial extraction. Such a district is also designed to discourage incompatible uses from locating upon those lands where the extraction of minerals occurs or can be anticipated.

33.62.020 The MRLOD shall be an overlay district that is applied over the existing underlying zoning designation through legislative approval of an amendment to the County's zoning map.

33.62.030 Eligibility for MRLOD status. MRLOD status is available to those lands from which the commercial extraction of mineral resources (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years of the application date (could put in 31.02.170(5) and that meet Comprehensive Plan Sections 31.02.170(5) Designation of Mineral Resource Lands, and 31.02.180(3) & (4) Mineral Resource Land Overlay District," or "MRLOD.

- a. Have a known or potential extractable resource that meets county road standards or construction specifications in commercial quantities as verified by the submittal to the County of a geologic and economic report prepared by a qualified professional (could put in 31.02.170(5);

33.62.040 The Mineral Resource Lands Special District is an overlay zone which covers only those areas designated as Mineral Resource Lands pursuant to the Washington State Growth Management Act. Any regulations contained herein which are more restrictive than those in the underlying zone districts or in the Shoreline Management Program shall

apply, Special Use Permit, Certificate of Compliance, Stormwater Permit (if adopted), etc) and a SEPA Checklist shall be submitted to DCD with the applicable fee prior to commencing any mineral extraction or processing activities. The purpose of this application is to ensure the custom operational measures are enacted to ensure that the proposal is compatible with the surrounding area and will not cause any probable significant adverse impacts to the environment.

33.62.050 Application for MRL0D status: Any landowner choosing to apply for MRL0D status shall:

- b. Complete a County permit application form and SEPA Checklist;
- c. Pay the fee established for obtaining an amendment to the County's Comprehensive Plan;
- d. Supply an operations plan which shall include, at a minimum,
  - i. A site plan including, if applicable, but not limited to, the location of all critical areas and their buffers on the site and the operator's plan to manage them in a manner consistent with the County's critical areas ordinance;
  - ii. planned hours of operation,
  - iii. number of employees,
  - iv. associated activities (crushing, sorting, screening) the applicant plans to undertake;
  - v. noise mitigation plans;
  - vi. a noxious weed control plan;
  - vii. contact information (email or phone) for a representative of the surface mine who can be reached outside of normal business hours should an emergency arise;
  - viii. the reclamation plan submitted to the State DNR; and
  - ix. if applicable, all mitigation plans intended to reduce adverse environmental impacts below the level of probable and significant.
- e. If processing (crushing, sorting or screening) is to occur within ¼ mile of a residence than a noise study will be required such that the noise generated by the applying surface mine at the residence that is most distant from the processing area but within ¼ mile of the processing area shall not exceed the maximum environmental levels authorized by Ch. 173-60 WAC.

- f. If there is to be mineral extraction within five (5) feet of a water table that is within 300 horizontal feet from a groundwater well then the applicant must supply a hydrogeological report to ensure the absence of impacts to groundwater.
- g. Submit a separate application for a Zoning Conditional Use Permit if the applicant for MRLOD status chooses to install, construct and then operate an asphalt or concrete plant for more than 120 days in any one calendar year.
- h. If critical areas are present on the applying parcel(s), then the applicant must comply with the County's Critical Areas Ordinance (Ch. 27.12 CCC) and the State Environmental Policy Act (Ch. 43.21C RCW) before obtaining MRLOD status;
- i. ~~An application for MRLOD status shall be treated as a Type II application.~~

33.62.060 Benefits of MRLOD are outline in 31.02.180(6), which are:

- a. Any land division, building permit, or development within 600 feet of the boundary of land designated as an MRLOD must comply with the terms and conditions of Ch. 27.10 CCC, the Right to Practice, Forestry, Mining and Agriculture ordinance, including placement of the disclosure text required by CCC §27.10.020 on any division of land within 600 feet of the boundary of the MRLOD designated land..
- b. Mineral extraction, as that term is defined in the County's development regulations, is an allowed use at any parcel or parcels designated as a MRLOD regardless of whether undertaking mineral extraction would require obtaining a Conditional Use Permit in the absence of MRLOD status.
- c. Operation of the surface mine in a manner consistent with the operations plan on file with the County shall never be deemed a public nuisance.
- d. Areas designated MRL would allow non-residential permitted and conditional uses found in the CF, CF 20, and CF5. This includes allowing Industrial Uses meeting the provisions of the CF Zone Section 33.07.020(8)(d)(i) & (iv) (utilized no more than 5 of 80 acres of MRL).
- e. In addition, home based industries, outbuilding or storage areas that are primarily oriented towards forestry, agriculture, or other rural uses. Structures larger than 1,600 sq ft would also have to meet additional fire flow requirements of the Clallam County Fire Code. These other uses shall be screened with landscaping, berms and/or fencing from state, county and private roads and non-MRL areas. These uses may contain a subordinate manufacture homed or similar residence with the acknowledgement of the right to mine.

- f. A parcel or parcels designated as MRLOD may be assessed for tax purposes as resource land although the land would have a non-resource land designation in the absence of the MRLOD designation.
- g. It shall be a permitted activity upon land designated as MRLOD to obtain clean fill from off-site to aid in the reclamation process and to generate revenue.
- h. After the mineral resource extraction is no longer occurring and the reclamation has been completed to the satisfaction of the State DNR the landowner may request a county-initiated Comprehensive Plan amendment which would remove the MRLOD designation. The amendment, if approved by the County Commission, would change the underlying zoning to either a 1) zoning designation applicable to adjacent parcels (must be within 1/4 mile of the MRLOD) or 2) a rural residential zoning designation that creates a density not greater than one residence per five acres and does not create more than seven (7) new parcels. This authority to seek a zoning designation allowing for a more intense use of the former MRLOD-designated land does not authorize a Comprehensive Plan amendment that amounts to “spot zoning.”