



MEMORANDUM

Clallam County Department of Community Development

Date: August 15, 2019
To: Clallam County Planning Commission
From: Kevin LoPiccolo, Principal Planner
Re: August 21, 2019 Planning Commission Meeting

Enclosed in your packet are the following general items:

1. Agenda for the regular meeting of August 21, 2019
2. Draft Minutes for the meeting of August 7, 2019
3. Draft Mineral Extraction and Processing Questionnaire

Work Session Items:

1. Prosecuting Attorney, David Alvarez, will address any questions related to the remand order by the Western Washington Growth Management Hearings Board (WWGMHB), Case No. 18-2-0006, for the County to conduct further review and public participation process related mineral resource land designations and regulations.
2. Draft Mineral Extraction and Processing Questionnaire - Staff has prepared, as part of the overall public participation outreach effort, an online questionnaire, based on input from citizens, mining operators and the Planning Commission.

Staff has made the following changes to the draft questionnaire since the last Planning Commission meeting:

- Altered questions to appear to be less negative.
- Added comment box after each question.
- Created a balance of environmental, process and operational questions.
- Added links to most questions that have a relationship with the Revised Codes of Washington (RCW), Washington Administrative Codes (WAC), Department of Ecology, Clallam County Comprehensive Plan and Zoning Regulations.

Staff will present the Mineral Extraction and Processing Website and go through with the Planning Commission all of the pertinent materials that relate to mineral resource lands.

AGENDA

Clallam County Planning Commission

Regular Meeting of August 21, 2019

Clallam County Courthouse

223 East Fourth Street, Port Angeles

6:00 p.m.

(After hours Public Meeting Entrance is from Fourth St.)

- A. CALL TO ORDER.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL.
- D. WELCOME.
- E. APPROVAL OF MINUTES: August 7, 2019
- F. ANNOUNCEMENTS.
- G. PUBLIC COMMENT – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS.
- I. PUBLIC HEARING: None
- J. WORK SESSION ITEMS:
 - 1) Elect Interim Chair and Vice-Chair
 - 2) Discussion on Mineral Extraction and Processing Activity
 - 3) Finalize Survey for Public Input Re: Mineral Resource Lands
- K. PUBLIC COMMENT – Please Limit Comments to Three Minutes
- L. ADJOURNMENT.

Members:

Vice-Chair, Jane Hielman ♦ Tom Montgomery ♦ Gary Gleason,
Robert Miller ♦ Leo Leonard ♦ Scott Clausen ♦ Steve Gale ♦ Ron Long

Department of Community Development Staff:

Mary Ellen Winborn, Director ♦ Kevin LoPiccolo, Principal Planner

Planning Commission

August 7, 2019

Draft Planning Commission Minutes

MINUTES

Clallam County Planning Commission

*Regular Meeting of August 7, 2019
Clallam County Courthouse
223 East Fourth Street, Suite 5
Port Angeles, WA 98362-3015
6:00 PM*

DRAFT

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Vice-Chair Hielman, Gary Gleason, Robert Miller, Tom Montgomery, Scott Clausen, Steve Gale and Ron Long. Chair Beauvais resigned on August 6, 2019. Leo Leonard was not present during roll call. Mary Ellen Winborn, Director; and Kevin LoPiccolo; Principal Planner, represented staff from the Department of Community Development.
- D. WELCOME: Vice-Chair Hielman welcomed all in attendance.
- E. APPROVAL OF MINUTES:
A motion was made and seconded to approve the July 17, 2019 meeting minutes, as submitted by staff. Following a vote, the motion carried 6-0. Steve Gale abstained.
- F. ANNOUNCEMENTS: None.
- G. PUBLIC COMMENT PERIOD:

Gerry Lane, 29033 Beach Dr. NE, Poulsbo, WA

Mr. Lane's interpretation of the Draft Mineral Extraction and Processing Questionnaire is that the primary issue is the lack of mineral resource land regulations. However, the primary issue is that County Code does not comply with state law and must be brought into compliance.

He supports Commissioner Long's suggestion to staff that a consultant would be valuable to assist with the process, and urged the Commission to help the Director by recommending to the Board of County Commissioners that funds be made available specifically to hire a consultant.

He is concerned that the considerable resources available through the Washington State Department of Commerce have not been utilized, as there is a wealth of specific information available including model language and its use as required by RCW 36.78.131.

Question 4 – Wetlands and streams are already protected under Title 27, and we also protect human life and property from landslide hazard areas, however we don't protect landslide hazard areas.

Question 6 – If someone answered yes to this question, what is the value of the question without specifics.

Question 8 – What is the relevance of this question? Mineral resource lands must be designated, and proximity to market is one of the designation criteria in state law.

Question 20 – Does not understand what the question is asking.

Question 22 – The Surface Mining Act RCW 78 and Forest Practices Act RCW 76, already address this issue, as well as RCW 43 SEPA.

Question 24 – This isn't an option, GMA requires designation, and proximity to market must be taken into consideration.

Question 25 – This is already addressed very adequately by state and local permitting systems.

Question 26 – Suggest rewording “...the following describes you.”

In closing, Mr. Lane indicated that compliance with state law has to be addressed first, rather than regulations.

Keith Peters, 73 Mt. McDonald Rd., Port Angeles, WA

Mr. Peters asked if the purpose of the meeting is to evaluate the draft questionnaire, or to develop a plan for further meetings for public input. He indicated that he had not seen the questionnaire until this evening, so he wasn't prepared to comment on the questionnaire.

Staff indicated that the questionnaire is a component of public participation.

Mr. Peters indicated that he is present to comment on public participation.

He indicated that he's lived in the county since 1948 with the exception of military service, and has hauled gravel from a massive rock quarry. He doesn't believe the public is too concerned about development updates through the Comprehensive Plan regarding mineral resources, and the primary reason, is that crushed hard rock is in good supply, or rather an infinite supply. Clallam County is fortunate to have the crescent formation which spans nearly the entire county east to west. He spoke to mining on public lands providing the mining company gets the mining reclamation permit from the state.

He suggested keeping it simple when soliciting input from the public.

Commissioner Leonard arrived.

H. UNFINISHED BUSINESS: None.

I. PUBLIC HEARING ITEM: None.

J. WORK SESSION ITEM:

Draft Mineral Extraction and Processing Questionnaire

Staff indicated that next Tuesday, August 13, 2019, the Board of County Commissioners should adopt by resolution the Public Participation Plan, forwarded by the Commission for approval regarding mineral resource lands.

Staff is building a webpage specific for mineral resource lands. The questionnaire will be located on the webpage to allow individuals to participate and provide their input.

Staff will utilize local media for notification of public workshops, and a mailer will be forwarded to residents within 1,000 feet of active mines.

Commissioner Montgomery asked what staff's plan is for utilizing legal counsel with regard to the requirements set forth by the Western Washington Growth Management Hearings Board. Staff indicated that items produced thus far, have been reviewed by counsel. Commissioner Montgomery indicated that the Commission needs to be involved and informed of counsel's involvement with what comes before the Commission.

Commissioner Gleason asked whether there are other issues that would hinder the Commission's work. Mary Ellen Winborn indicated that staff requested clarification from the WWGMHB which concluded that the County has to work on its Public Participation Plan related to mineral resource lands.

Commissioner Long indicated that this is an initial process, and the WWGMHB will review the work of staff and the Commission related to the Public Participation Plan, and make further requests of the County, if necessary. Question 6 – This is not a measurable piece of evidence. Question 8 – Needs some work. Pose the question whether mining is acceptable with a yes, no, not sure answer. Questions 13 & 15 – No fit for all. Mary Ellen Winborn indicated that a comment box could be added if someone wanted to elaborate an answer.

Commissioner Gleason spoke to previous questionnaires that had more substance, and was concerned about getting an accurate public feedback. Staff indicated that the questions and mitigation will be discussed at the workshops to address concerns. It is important to recognize that mining is needed and per the GMA, the County has to recognize mining in an ordinance that is reasonable. Staff is moving forward as directed by the WWGMHB, to develop a more robust Public Participation Plan regarding mineral resource lands. In addition, staff is assessing the concerns of the current ordinance.

Commissioner Leonard inquired as to the purpose of the questionnaire. Mary Ellen Winborn indicated that the questionnaire is meant to be concise in nature. Staff indicated that it is a tool to use as a starting point for discussion. The workshops will be structured to show where the existing mines are located, review ordinances, process, and address areas of concern generated from the questionnaire.

Commissioner Long indicated that the questionnaire is a means to show that we are demonstrating to the WWGMHB that we are engaging with the public regarding the public participation process.

Commissioner Clausen suggested structuring questions so that there is a neutral point, and to state the purpose, and allow a person to identify themselves whether an operator or general citizen.

Commissioner Miller indicated that he feels the questionnaire is negative for those trying to make a living in the mining industry.

K. PUBLIC COMMENT PERIOD:

Rick Head, 386 Olympic Hot Springs Rd., Port Angeles, WA

Mr. Head inquired as to the reference of 1,000 ft. Staff indicated that was the distance from the boundary of active mining operations, in which mailers would be sent.

With that, Mr. Head suggested that 1,000 ft. is not adequate, and the distance needs to be expanded, as those impacted are farther than that from an active mine.

Public opinion is very important in this matter – don't minimize public opinion.

The questionnaire contains exactly the questions that he has, and indicated that this is a good reference point for public input.

Julia Smith, 386 Olympic Hot Springs Rd., Port Angeles, WA

Ms. Smith indicated that she has experience with an active mine which affects those within a half-mile of a mine due to sound travel, etc.

With regard to the questionnaire, she suggested writing answers in a first person narrative offering different perspective, as there is a science to questionnaires.

Who is the public? There is the public consumer of mineral products, there is the general resident who is concerned about the environment and natural resources, there are local residents that could have immediate impacts from an active mine, and there are the operators. It would be beneficial to know who is providing input, in order to understand the perspective. Vice-Chair Hielman indicated that Question 26 asks for representation.

Ms. Smith agrees that useful information will be received from the questionnaire, however it's equally important as to what the County does with it the information received.

Discussion was had regarding the reclamation process.

Jerry Lane

Is it premature to go to the Board of County Commissioners with the Public Participation Plan prior to the website being constructed? He is concerned that the public has various and adequate means to submit input.

In closing, Mr. Lane asked when discussion will be had regarding regulations that are out of compliance with state law. He suggested that staff draft ordinances prior to conducting the workshops so that the public can comment on regulations as well.

L. ADJOURNMENT: The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Kevin LoPiccolo, Principal Planner

**Mineral Extraction and Processing
Questionnaire**

MINERAL EXTRACTION AND PROCESSING QUESTIONNAIRE

Purpose:

- Review of Clallam County's Mineral Resource Lands Regulations and Requirements.
- Receive input from the community on possible changes to the County's Mineral Resource Lands Regulations and Designations.
- Develop solutions to reasonably resolve matters related to traffic, noise, trip counts and other operational and environmental concerns and impacts created by mine operations.

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1. Hours of operation – start/stop time is of concern to me?

For more information: WAC 173-60-040

- Yes
- No
- Other (please specify)

2. What is the primary noise issue with mineral extraction and processing activities?

For more information:

WAC 173-60

Chapter 43.21c RCW

- Blasting
- Crushing
- Sorting
- Loading
- All of the above
- None of the above
- Other (please specify)

3. Dust in the air from mineral processing is of concern to me?

For more information on air quality:

Olympic Region Clean Air Agency

- Yes
- No
- Other (please specify)

4. Protection and Quality of Groundwater is of concern to me?

For more information:

Department of Ecology Water quality standards

- Yes
- No
- Other (please specify)

5. Should Critical Areas (landslide, wetlands, streams, etc...) protection standards apply to mining operations?

For more information:

Chapter 27.12 CCC

- Yes
- No
- Don't Know
- Other (please specify)

6. Critical Area Aquifer Recharge (Water Pollution) is of concern to me?

For more information:

Chapter 27.12.615 CCC

Critical Aquifer Recharge Area guidance - Ecology

Critical Areas - WAC 365-190-080

- Yes
- No
- Other (please specify)

7. Protection and quantity of groundwater (Wells) is of concern to me?

For more information on well protection: Department of Ecology

EPA - Protecting drinking water resources

- Yes
- No
- Other (please specify)

8. Is mining important to Clallam County's economy?

Mineral Resource Land Issues - County Comprehensive Plan

- Yes
- No
- Don't know
- Other (please specify)

9. The quality and quantity of mining materials are:

Mineral Land Goals - County Comprehensive Plan

- Too Scarce
- Too Plentiful
- Don't know
- Other (please specify)

10. The current regulations for mineral extraction and processing are:

For more information:

Chapter 78.44 RCW

Chapter 27.12 CCC

Chapter 27.10 CCC

- Too Restrictive
- Moderately Restrictive
- Not Restrictive Enough
- Not familiar with current regulations
- Other (please specify)

11. Are the current codes for mineral extraction understandable?

- Yes
- No
- Not aware of current code requirements
- Other (please specify)

[Redacted text box]

12. Number of truck trips per day a concern to me?

- Yes
- No
- Other (please specify)

[Redacted text box]

13. Is the routing of truck transporting material a concern to me?

- Yes
- No

Other (please specify)

[Redacted text box]

14. Should neighborhoods have input in the mining process and distance requirements from established neighborhoods?

For more information: Chapter 31.02.145 County Comprehensive Plan

- Yes
- No
- Not sure
- Other (please specify)

[Redacted text box]

15. Should the County require a plan (size, depth, method, etc...) from the mining operator explaining extent of the mining to occur?

For more information: Chapter 78.44 RCW

- Yes
- No
- Other (please specify)

16. Is mining important to me?

- Yes
- No
- No opinion
- Other (please specify)

17. Should single-family dwellings be restricted in areas with known sources of high quality mineral resources?

For more information: Chapter 27.12 CCC

- Yes
- No
- Can be allowed with knowledge of Right to mining
- Other (please specify)

18. Which of the following represents you?

- Mining operator / processor
- Nearby resident of an active mine
- Citizen
- Interest group
- Other (please specify)

[Redacted text area]

19. Do you have any other comments, questions, or concerns?

[Redacted text area]