

CLEARANCES:	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To
Originator-jrg c:\f5\1\mrlcomp2.AB	Jep	5/19	RECEIVED MAY 20 1992 WHATCOM COUNTY COUNCIL	5/26/92	Council/P&D
Division Head-					
Department Head-	WDD	5/19			
Prosecutor Review-	KNF	5/19/92			
Purchasing/Budget Dir.-					
Executive-					

SUBJECT: FILE REF: 14-91.CZM AN ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN TO COMPLY WITH THE GROWTH MANAGEMENT ACT MANDATE TO CLASSIFY AND DESIGNATE MINERAL RESOURCE LANDS ON AN INTERIM BASIS.

ATTACHMENTS: Draft Ordinance
 See previous Agenda Bill (attached) for additional background information

Public Hearing Needed? Yes / / No / XX /

SUMMARY STATEMENT: At the request of the County Council during a regular meeting on April 28, the Planning Department removed the proposed Mineral Resource Area 2 (MRA 2) overlay zone, replacing it with a County-wide mineral classification map, and added river gravel to the designation status. The Mineral Resource Land (MRL) overlay zone (formerly MRA 1, changed so it will not be confused with the classification system) includes only certain areas currently permitted for surface mining under the Department of Natural Resources. Designated river gravel resources include any gravel bars with commercial viability for extraction, subject to use restrictions within the Shoreline Management Program and other laws.

RECOMMENDED ACTION: Planning staff recommends Council adopt the attached ordinance.

COMMITTEE ACTION (including dates):

COUNCIL ACTION (including dates):

5/26/92: Ordinance carried 6-1 (BB against) with amendments.

Related File Numbers: 92-105 **Ordinance or Resolution Number:** Ord 92-028
companion ordinance

CLEARANCES:	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To
Originator-jrg c:\f5\1\mra-comp.AB			RECEIVED MAR 04 1992 WHATCOM COUNTY COUNCIL	3/10/92	Council/Intro
Division Head-				4/14/92	Council/Hearing *
Department Head- <i>JJD</i>	<i>JJD</i>	3/4/92			
Prosecutor Review-					
Purchasing/Budget Dir.-					
Executive-					

SUBJECT: FILE REF: 14-91.CZM AN ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN TO COMPLY WITH THE GROWTH MANAGEMENT ACT MANDATE TO CLASSIFY, DESIGNATE, AND PROTECT MINERAL RESOURCE LANDS ON AN INTERIM BASIS

ATTACHMENTS: Agency Report with attached Staff Report (Note: This Agency Report is similar to the one submitted for the other resource areas but the portion pertaining to mineral resources has been corrected. The attachments have been included as exhibits of the ordinances.)

on file → Excerpts from Planning Commission Minutes: January 14, January 30, and February 12, 1992. (Note: These are the same minutes for all three resource lands designations)

Draft Ordinance

Public Hearing Needed? Yes / / No / *

SUMMARY STATEMENT: In accordance with the guidelines developed by the Department of Community Development, the staff and the Advisory Committee for Mineral Resources, with consultant help, inventoried potential mineral resource lands. The major focus on all of the interim work has been on gravel as sand is located throughout the county and is not in major demand, and other minerals are limited or located predominantly in the Forestry zones or National Forest where there is no conflicts. Two designations were established by staff and the committee, Mineral Resource Areas-1 (MRA-1) and Mineral Resource Areas-2 (MRA-2). Mineral Resource Areas-1 were limited to those areas previously permitted for surface mining by the Department of Natural Resources. Mineral Resource Areas-2 were those areas where it was considered highly probable that sand and gravel resources were present in commercial quantities. Staff recommended limiting building permits in MRA-1's and further subdivision in MRA-2's until further study.

Because of the uncertainty regarding the surface mining legislation which may or may not be passed by the Legislature, the Planning Commission was uneasy about allowing surface mining in any locations other than those that have previously been permitted. The Commission also wished to allow temporary housing and not to limit subdividing while further study occurred. Therefore, two overlay zones were developed for the MRA-1's and MRA-2's. Only the MRA-1's were designated, which would allow surface mining, and non-permanent structures were also permitted. The MRA-2's overlay zone simply formalizes areas for further study without additional regulations or restrictions, but does not allow mining at this time.

The attached ordinance simply amends the Comprehensive Plan Map, the overlay zones themselves will be adopted by a companion ordinance.

RECOMMENDED ACTION: Planning staff recommends Council uphold the Planning Commission recommendation and adopt the attached ordinance. However staff also believes a public hearing might be appropriate because of the controversial nature of this issue.

COMMITTEE ACTION (including dates):

COUNCIL ACTION (including dates):

3/10/92: Introduced

Related File Numbers: AB92-105 Ordinance or Resolution Number: _____

ORDINANCE NO. 92-028

AN ORDINANCE AMENDING THE WHATCOM COUNTY COMPREHENSIVE PLAN TO COMPLY WITH THE WASHINGTON GROWTH MANAGEMENT ACT MANDATE TO CLASSIFY AND DESIGNATE MINERAL RESOURCE LANDS ON AN INTERIM BASIS.

WHEREAS, the Washington State Legislature passed the Growth Management Act (GMA) in 1990 and amended it in 1991, requiring counties and cities to designate, classify and protect mineral resource lands of long-term commercial significance (RCW 36.70A.170); and

WHEREAS, the Whatcom County Planning Department has drafted a request to classify and designate on an interim basis certain areas in Whatcom County as mineral resources, according to the mandate of the Washington State Growth Management Act; and

WHEREAS, pursuant to RCW 36.70.590 legal notice was published in the Bellingham Herald on Thursday, January 2, 1992; and

WHEREAS, a determination of Nonsignificance was issued by the Deputy SEPA Official on January 9, 1992; and

WHEREAS, the Planning Commission held a public hearing on the proposal on January 14, 1992 and considered all public testimony on the issues; and

WHEREAS, the Planning Commission held work sessions to discuss the issues on January 30, 1992, and on February 12, 1992 and, after due deliberation made a determination that the proposal be approved; and

WHEREAS, the Council reviewed the Planning Commission recommendation and held a public hearing on April 14, 1992, to consider additional comments; and

WHEREAS, the Council discussed the proposal at a regular meeting on April 28, and directed planning staff to modify and re-submit the proposal; and

WHEREAS, at a public meeting on May 26, the Council reviewed the new proposal.

WHEREAS, the Council has adopted the following findings and conclusions which were originally developed by staff and the Planning Commission:

FINDINGS

1. Surface mining, especially the extraction of sand and gravel, has been a major focus in Whatcom County for several years. Whatcom County government, concerned citizens, and those actively involved in surface mining have been deeply involved in the regulatory aspects of surface mining.
2. In order to comply with the Growth Management mandate for Mineral Resource Lands classification, designation, protection, and public involvement, the staff identified an advisory committee having interest or expertise with the issues surrounding sand and gravel extraction in Whatcom County. This Committee met regularly between April, 1991 and January, 1992.
3. Staff and industry estimates of the total material available within the permitted areas range from 25 million cubic yards (if mining is not allowed to penetrate the water table) to 50 million cubic yards (if penetration of the water table is permitted). In addition, staff estimates that an additional 300,000 cubic yards will be available from the Nooksack River annually, for a total supply of 40-65

1 million cubic yards.

- 2 4. The State's current work on revisions to surface mining laws has resulted in considerable
3 uncertainty regarding local authority to regulate surface mining operations, especially in areas
4 designated as Mineral Resource Land under Growth Management.
- 5 5. Based upon staff and Committee work, scientific data, and the consultant's work, the classification
6 map shows that most of the sand and gravel resources are in the Agriculture and Rural Zones,
7 with materials in the Forest Zone consisting primarily of rock and limestone with some aggregate.
- 8 6. The interim designation includes only certain areas currently permitted for surface mining under
9 the Department of Natural Resources and mapped as Mineral Resource Land, and river gravel bar
10 deposits. The MRL's would encompass approximately 1,250 acres. Of this, 1,000 acres would be
11 designated from the Rural Zones, and 250 acres from the Agriculture Zone.

12 **CONCLUSIONS**

13 Aggregate will be needed for future generations in Whatcom County. Guidelines for mineral
14 resource plans under the auspices of the Growth Management Act suggests Whatcom County set
15 aside lands designated as Mineral Resource Land to meet needs for the next 50 years. The
16 proposal developed by the County and the Committee will set aside enough acreage to meet
17 future needs but not for 50 years. Over the next two years, the County will further define areas
18 that may be set aside for future use for mineral uses; and incorporate these into a Mining district
19 or zone in Whatcom County. This area should help to preclude conflicting uses within it, reduce
20 rural/mining conflicts and aid in conserving lands for mining purposes. Gravel from the Nooksack
21 River is a preferred method to provide a portion of the required gravel needed. Meanwhile,
22 adoption of the interim designations will limit further residential development in the areas that most
23 likely contain valuable sand and gravel resources.

24 All of the above paragraphs represent Findings of Fact by the Whatcom County Council. Based upon these
25 Findings of Fact, it is declared that enactment of this ordinance will promote the public health, safety, and general
26 welfare.

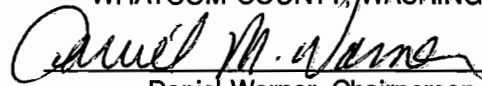
NOW THEREFORE BE IT ORDAINED BY THE WHATCOM COUNTY COUNCIL:

Section 1. Whatcom County hereby adopts interim classification and designation of mineral resource lands by adopting a mineral resource classification map as set forth in Exhibit A, by adopting a Whatcom County Mineral Resource Comprehensive Plan Map designation of Mineral Resource Land (MRL) for approximately 250 acres in the Agriculture zone and 1,000 acres in the Rural zone as set forth in Exhibit B, defined as only certain areas currently permitted for surface mining under the Department of Natural Resources; and by designating river gravel bar supplies as a mineral resource; all to comply with the Growth Management Act mandate to classify and designate Mineral Resource Lands on an interim basis.

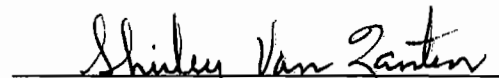
Section 2. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this 26th day of May, 1992.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Daniel Warner, Chairperson

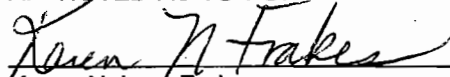
APPROVED VETOED


Shirley Van Zanten, County Executive

ATTEST:


Clerk of the Council

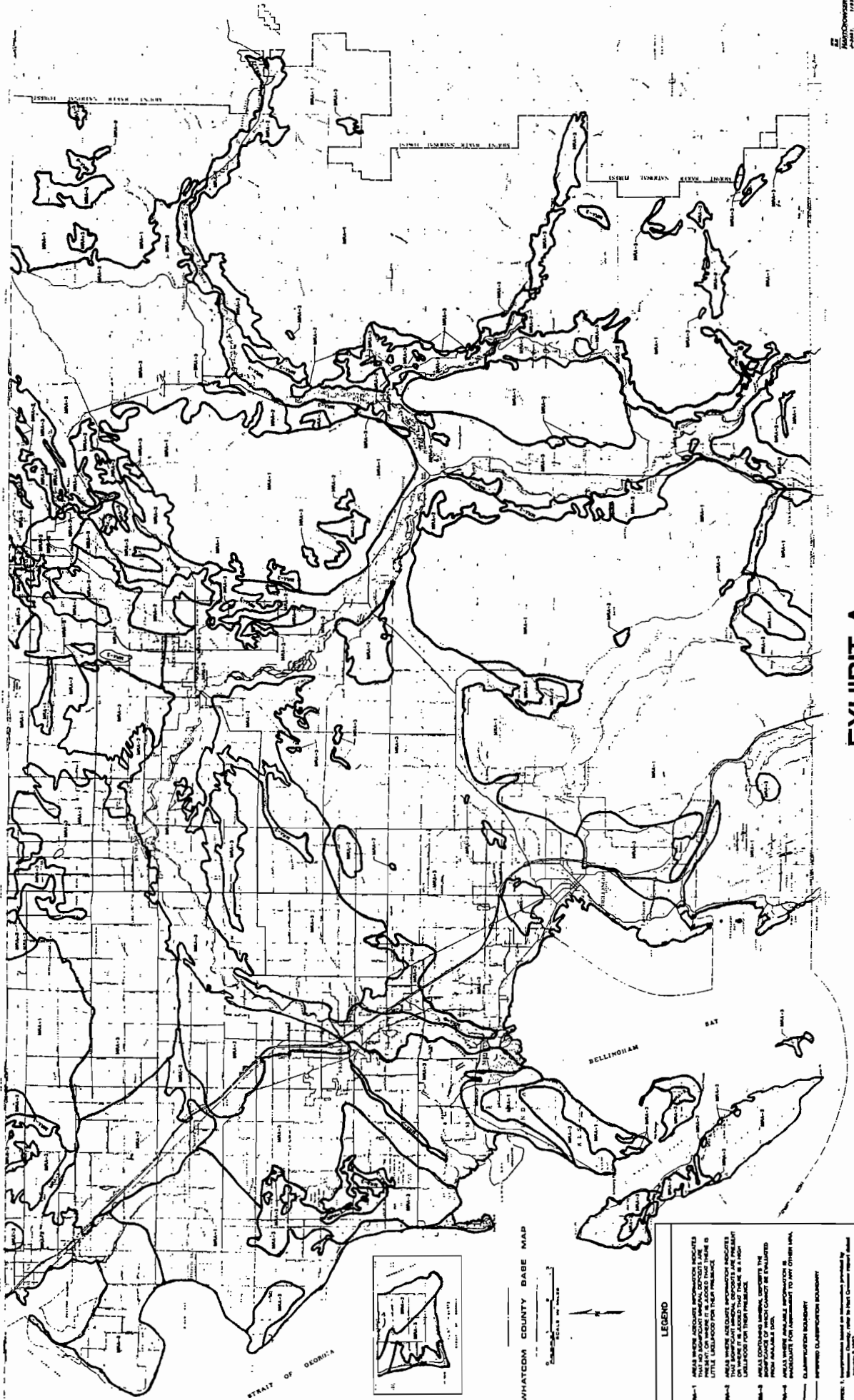
APPROVED AS TO FORM:


Karen Nelson Frakes
Civil Deputy Prosecuting Attorney

Date 5-27-92

AB 612-102

Preliminary Sand and Gravel Resources Classification Map



LEGEND

- CLASS-1 AREAS WHERE AVAILABLE INFORMATION INDICATES THAT NO SIGNIFICANT SAND OR GRAVEL RESOURCES ARE LIKELY TO BE PRESENT.
- CLASS-2 AREAS WHERE AVAILABLE INFORMATION INDICATES THAT SAND OR GRAVEL RESOURCES ARE LIKELY TO BE PRESENT.
- CLASS-3 AREAS WHERE AVAILABLE INFORMATION IS INADEQUATE FOR DETERMINATION OF SAND OR GRAVEL RESOURCES.
- CLASS-4 AREAS WHERE AVAILABLE INFORMATION IS INADEQUATE FOR DETERMINATION OF SAND OR GRAVEL RESOURCES.
- CLASS-5 AREAS WHERE AVAILABLE INFORMATION IS INADEQUATE FOR DETERMINATION OF SAND OR GRAVEL RESOURCES.

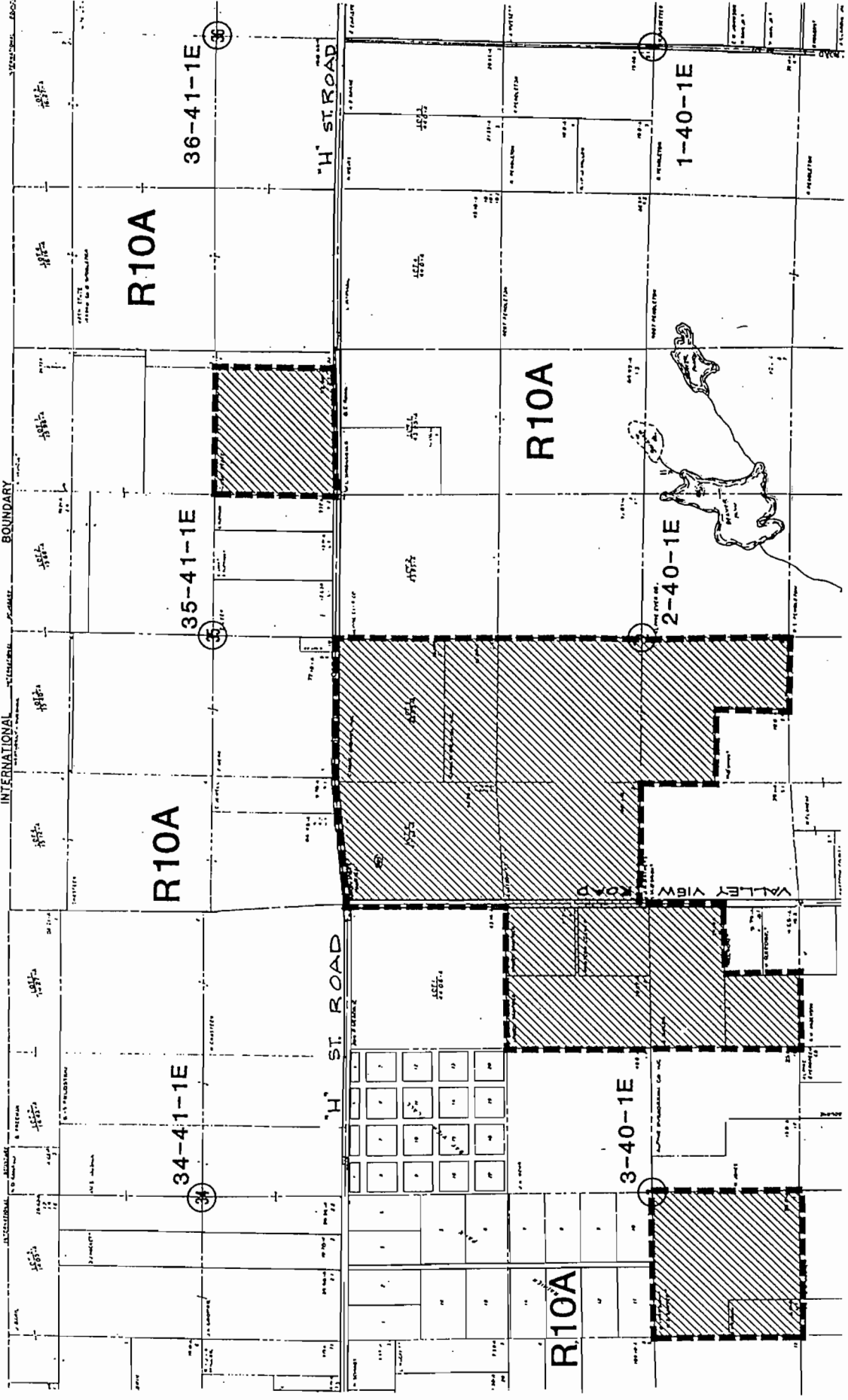
NOTES: 1. Interpretation based on information provided by the Washington Department of Ecology, Office of Water Conservation, and the Washington Department of Ecology, Office of Water Conservation.

2. This map is a preliminary map and should not be used for legal purposes.

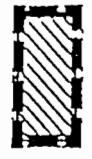
EXHIBIT A

NOV 1988

JOINS B.C. Canada



LEGEND



Mineral Resource Land

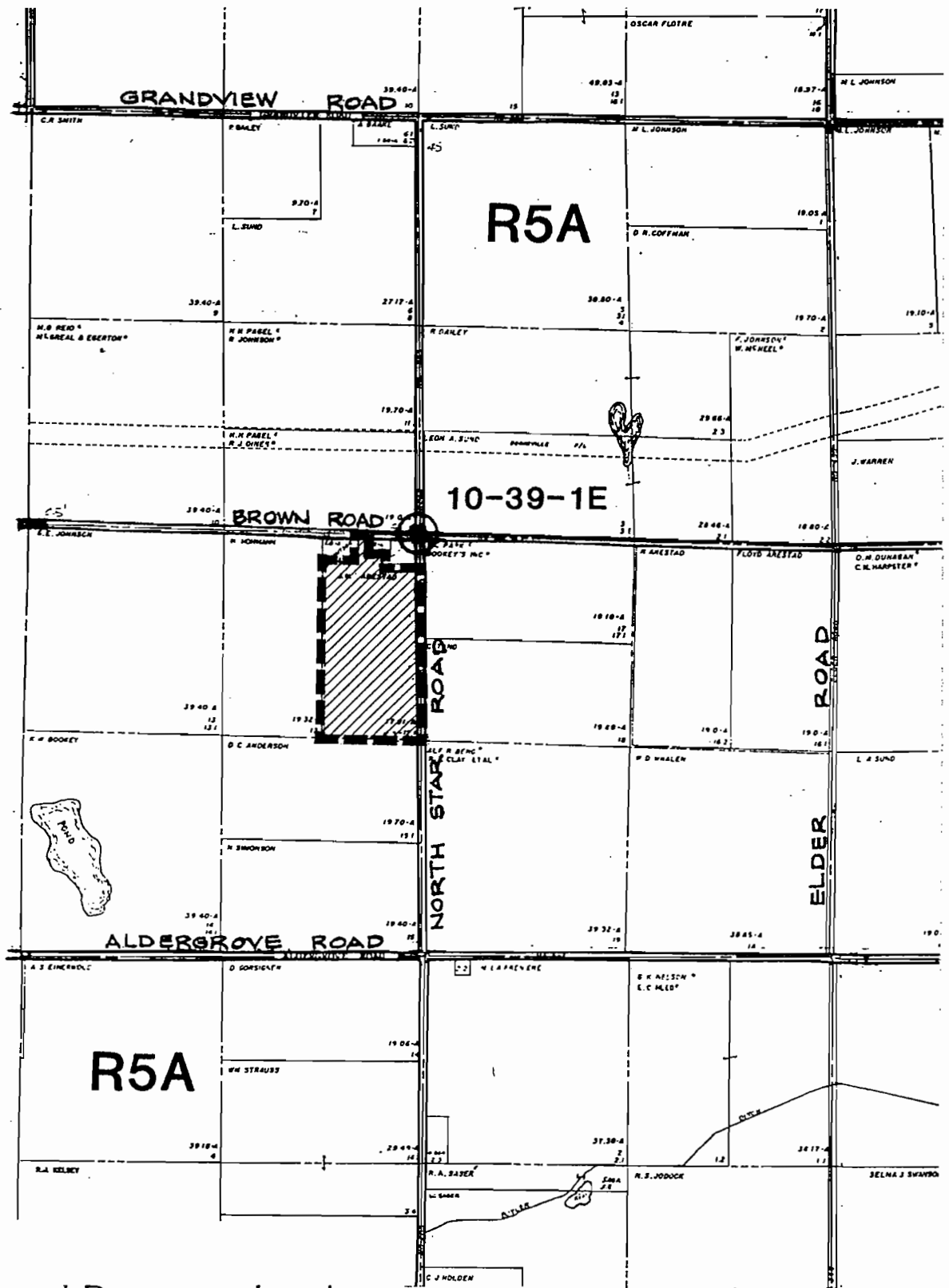


Zoning Boundary

VALLEY VIEW RD./BLAINE

EXHIBIT B

1



LEGEND



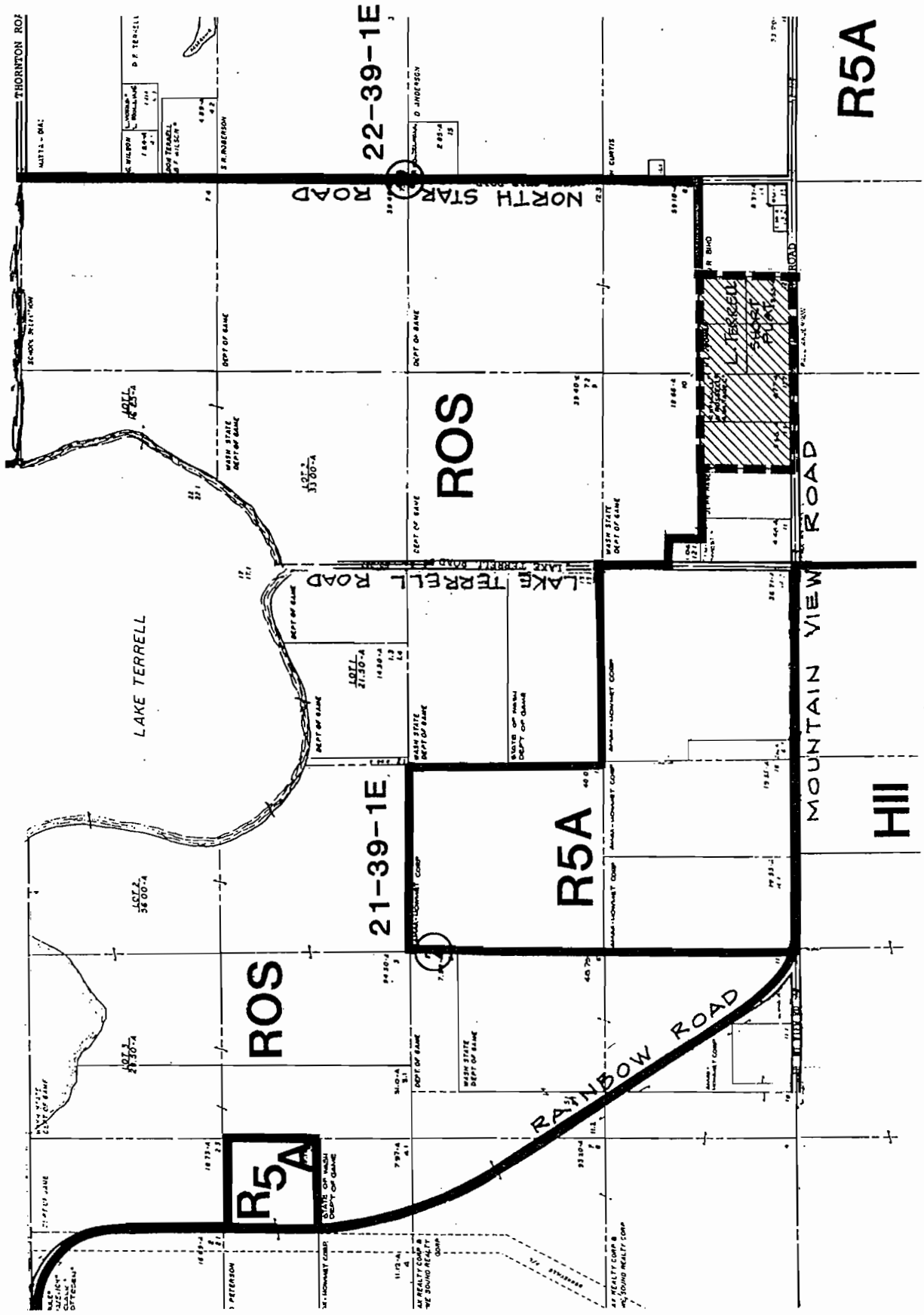
Mineral Resource Land



Zoning Boundary

NORTH STAR RD. AREA (2)

EXHIBIT B



22-39-1E

21-39-1E

R5A

ROS

R5A

HII

LEGEND



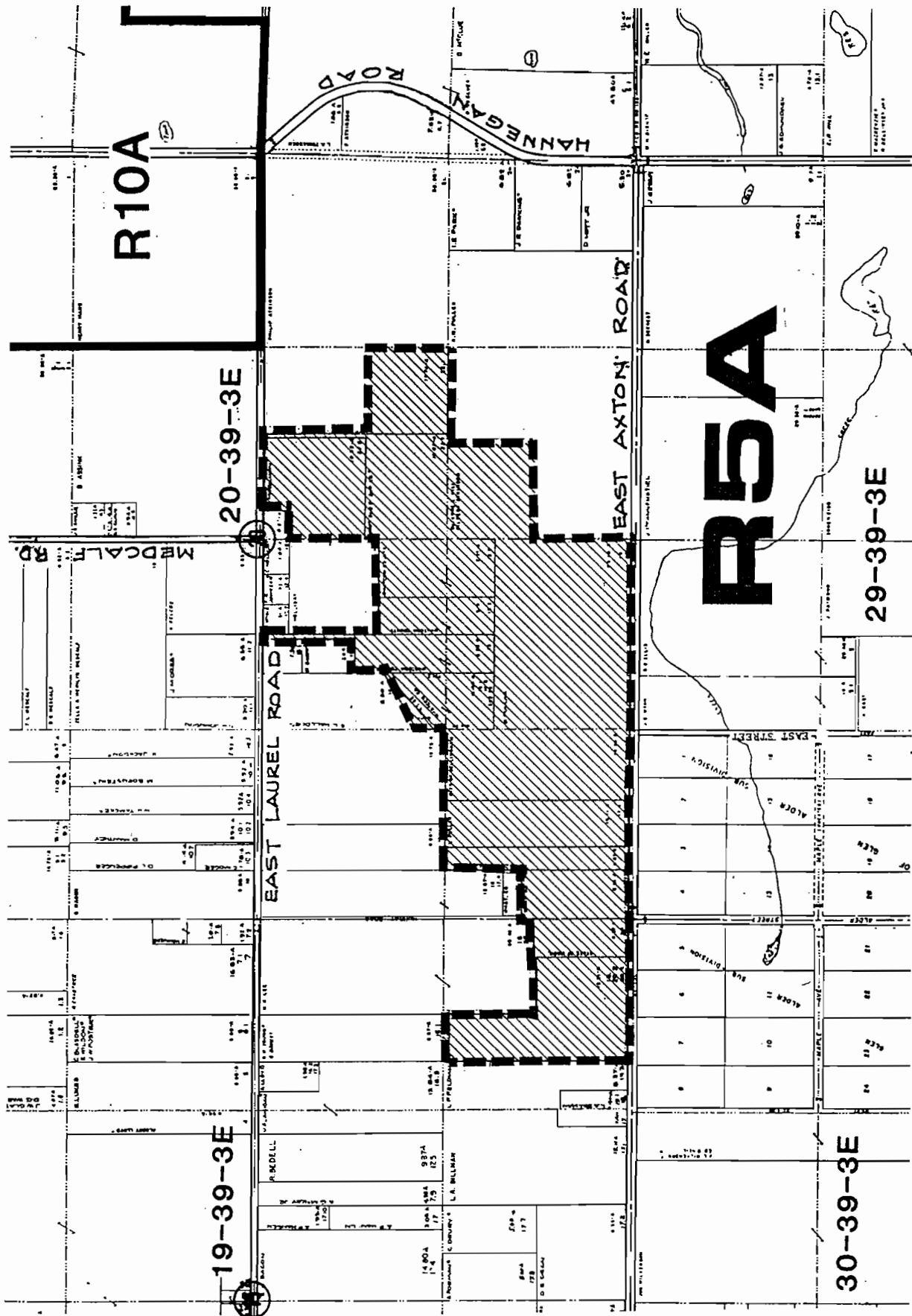
Mineral Resource Land

Zoning Boundary

MOUNTAIN VIEW RD. AREA

EXHIBIT B

3

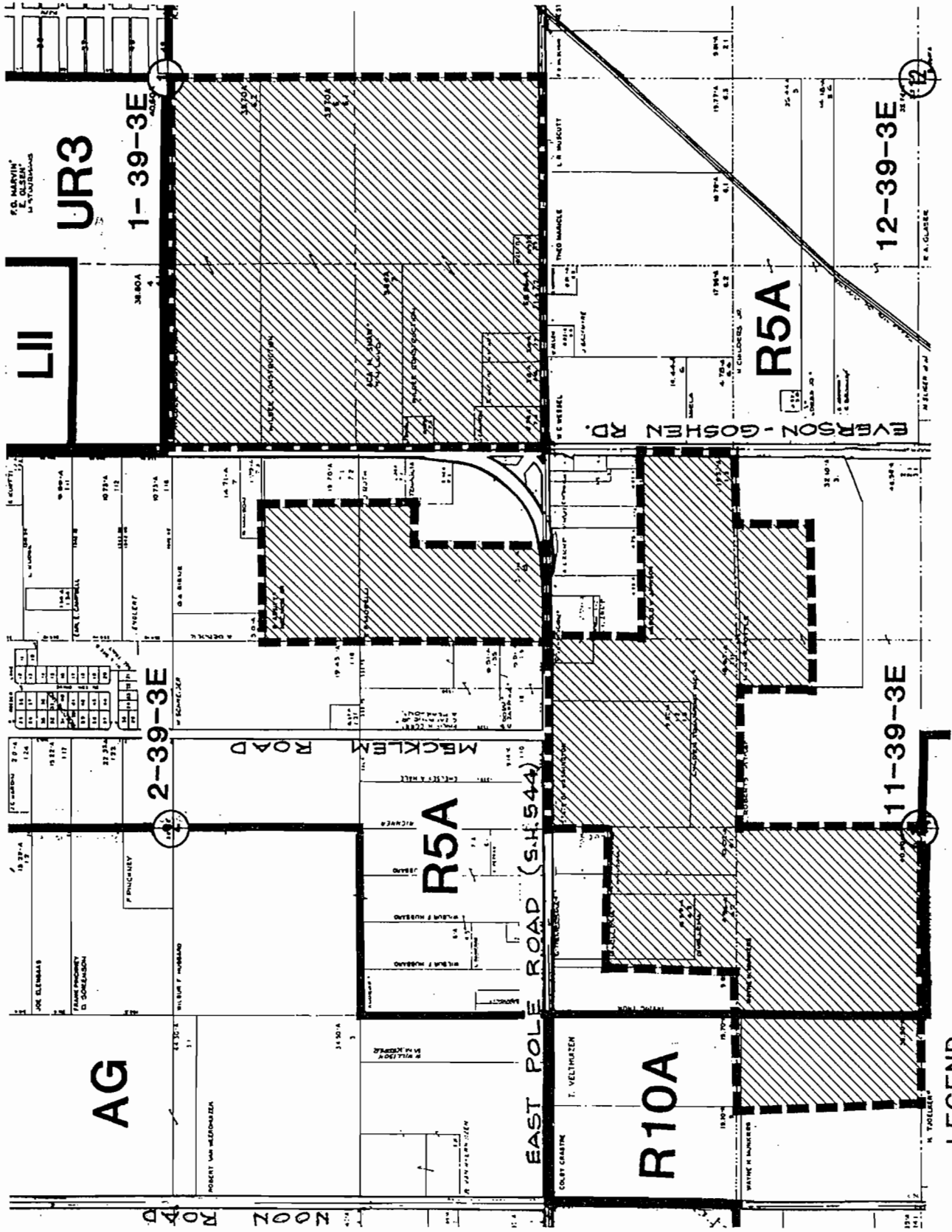


LEGEND
 Mineral Resource Land
 Zoning Boundary

AXTON ROAD AREA

EXHIBIT B

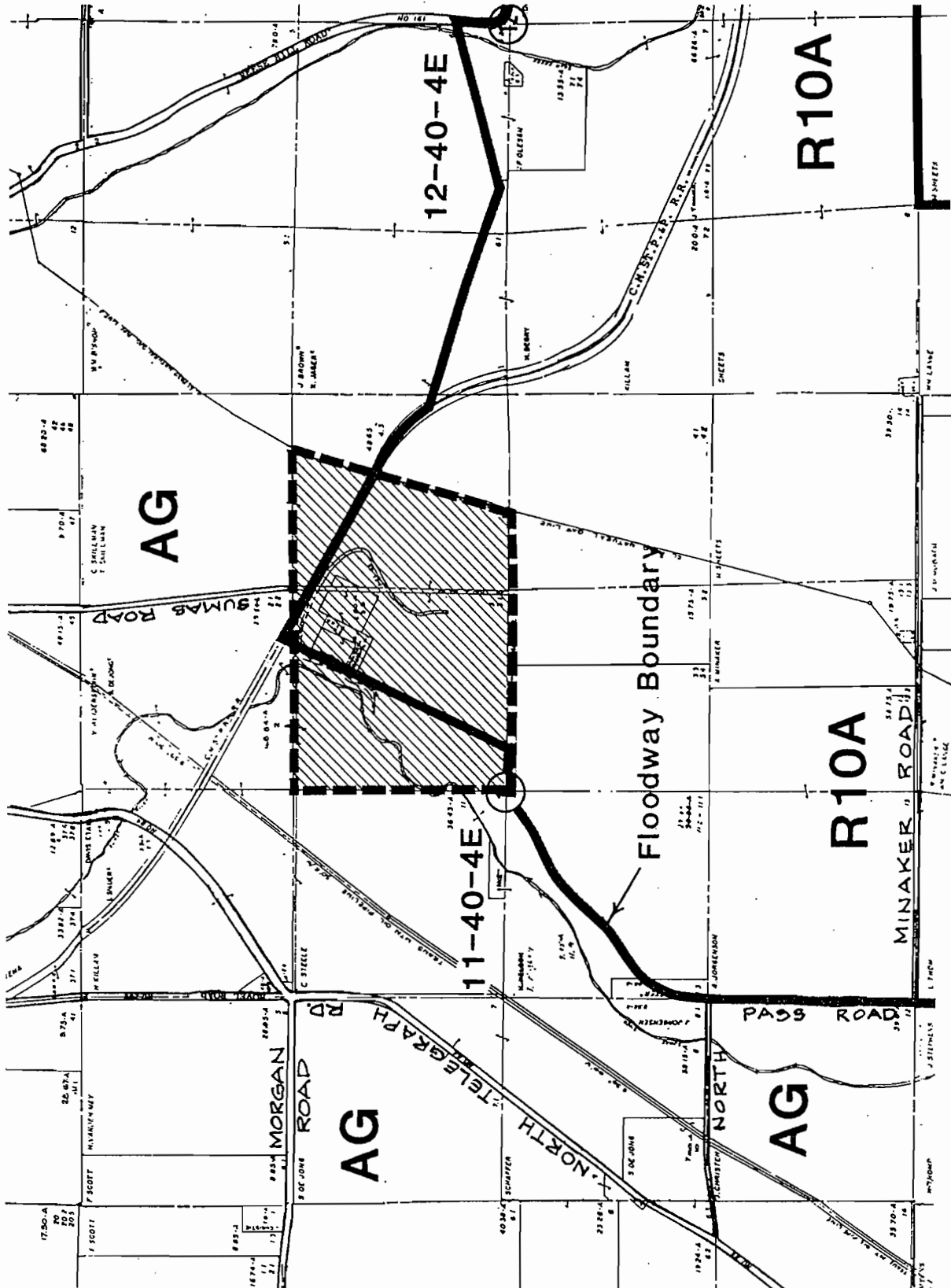
4



**POLE ROAD AREA
(EVERSON-GOSHEN)**

LEGEND
 Mineral Resource Land
 Zoning Boundary

EXHIBIT B

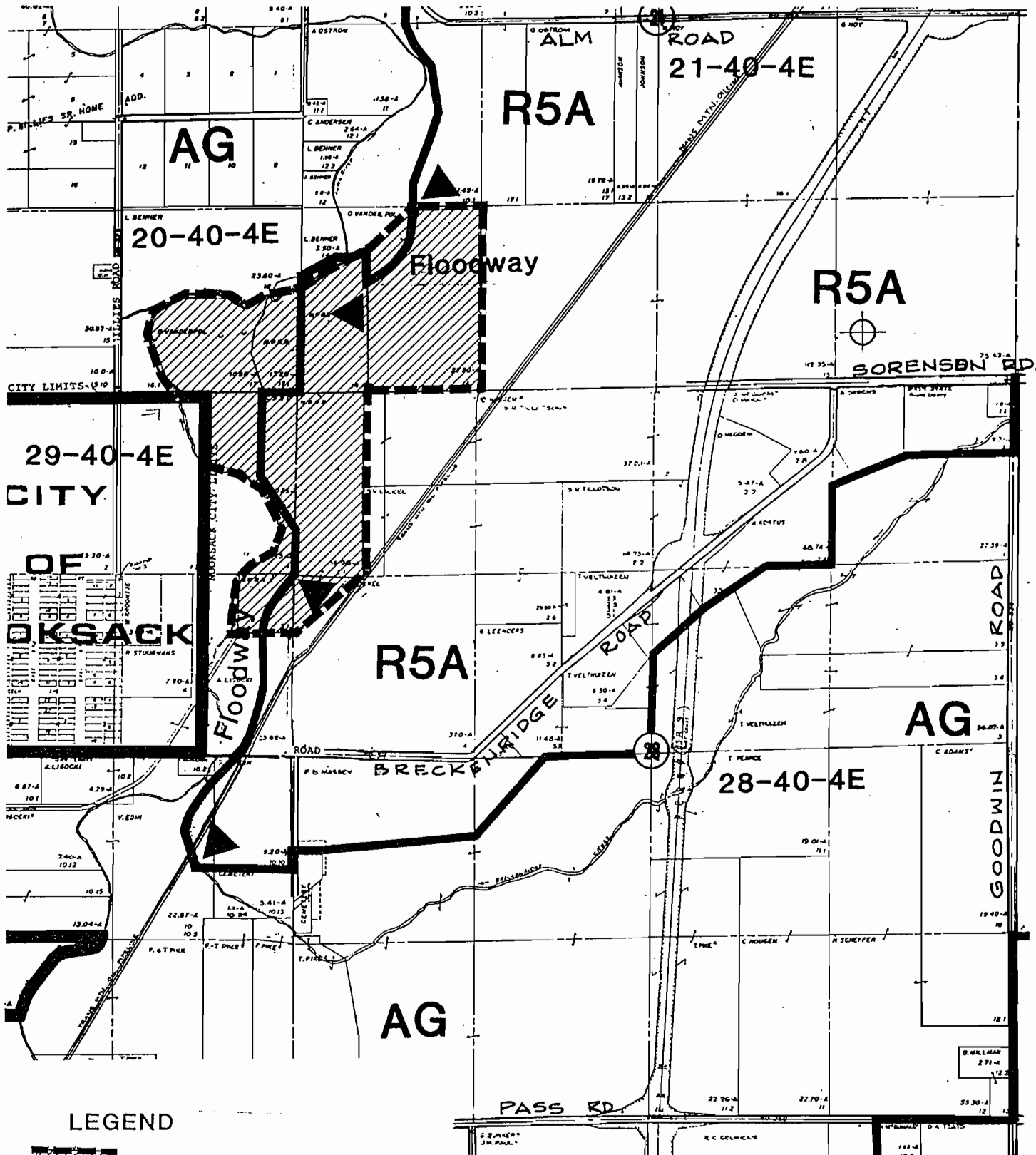


LEGEND

-  Mineral Resource Land
-  Zoning Boundary
-  MORGAN ROAD AREA

EXHIBIT B

7



LEGEND



Mineral Resource Land

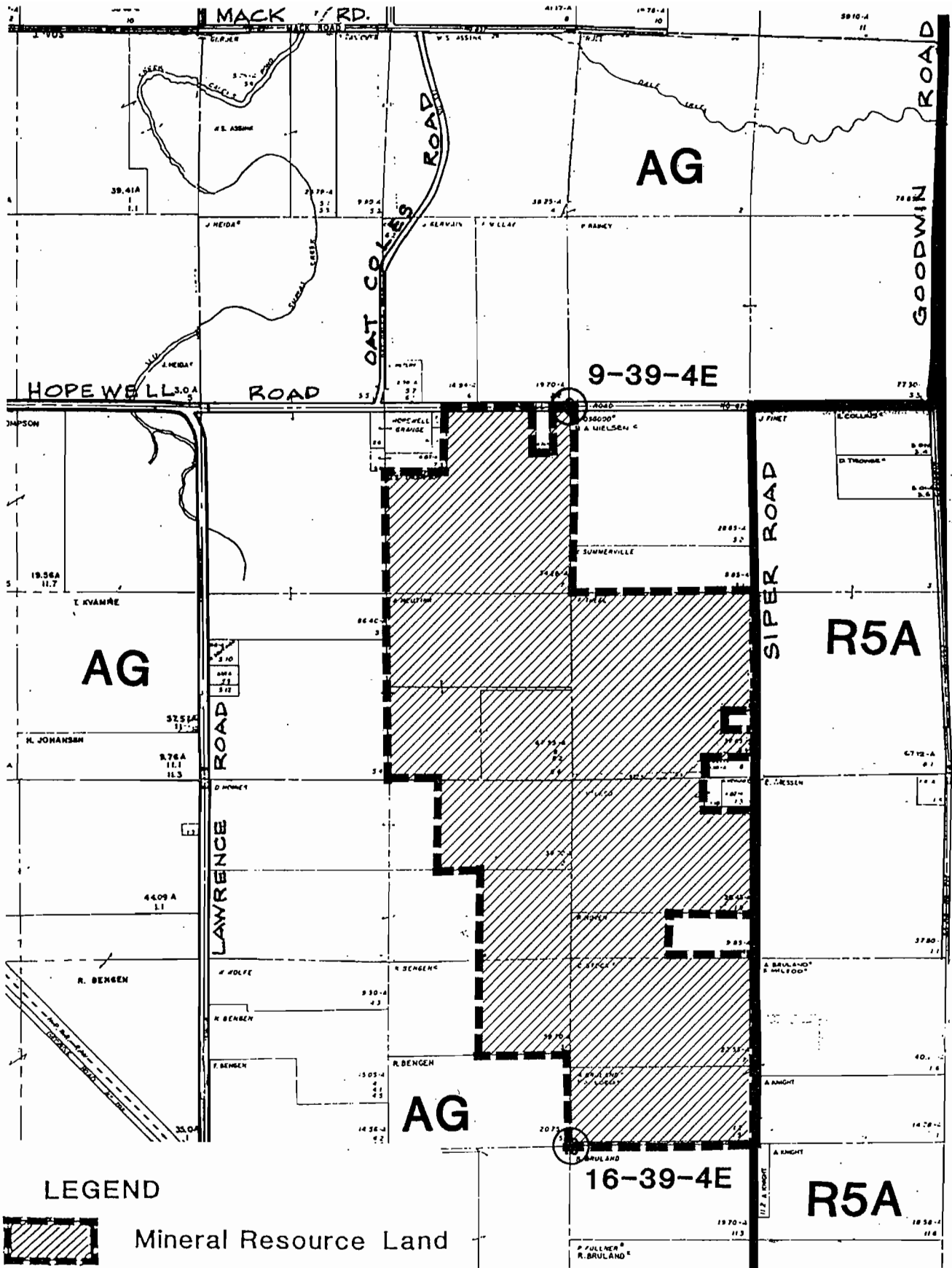


Zoning Boundary

ALM ROAD AREA

EXHIBIT B

8



LEGEND

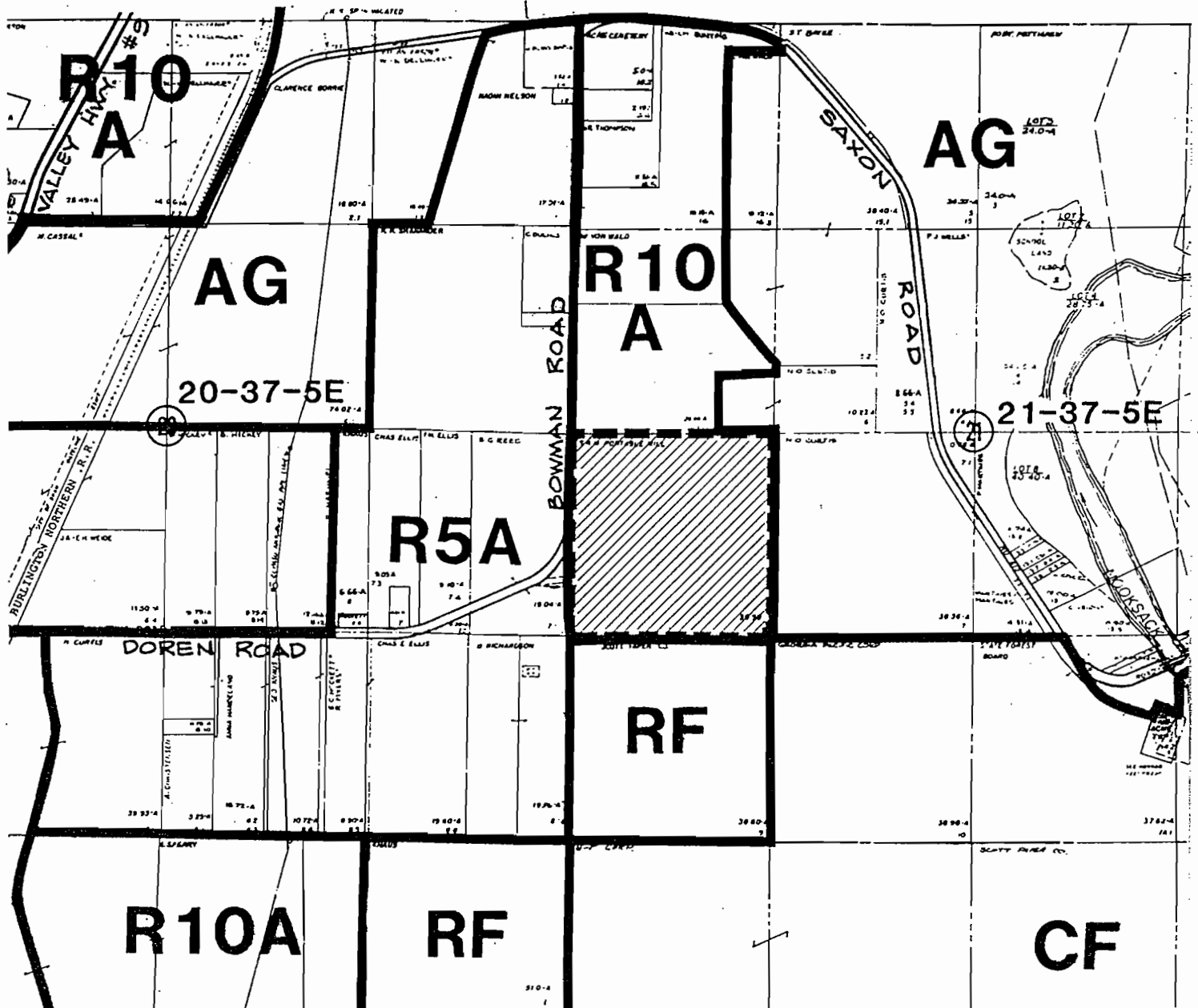


Mineral Resource Land



Zoning Boundary

**SIPER ROAD AREA
EXHIBIT B**



LEGEND



Mineral Resource Land



Zoning Boundary

10

EXHIBIT B