

**May 23, 1996**

On January 22, 1996, the Western Washington Growth Hearings Boards ruled that Skagit County failed to designate all of its natural resource land:

"The County used an exclusionary criterion in designating forest lands which ruled out large areas of land which may have otherwise met the forest land criteria in the Act. The record failed to demonstrate the reason for exclusion of prime upland agricultural areas. The use of the ability of the land to provide sole support for a family as a requirement is not in compliance with the Act. The County failed to adequately protect mineral lands from conflicting uses." *Friends of Skagit County v. Skagit County*, WWGMHB No. 95-2-0075 at 1516.

## **V. Natural Resource Lands Development Regulations**

Skagit County is required to adopt development regulations to assure the conservation of agricultural, forest, and mineral resource lands. Regulations shall assure that the use of lands adjacent to agricultural, forest, or mineral resource lands shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of designated natural resource lands for the production of food, agricultural products, or timber, or for the extraction of mineral. In addition, all plats, short plats, development permits, and building permits issued for development activities on, or within three hundred feet of, lands designated as agricultural lands, forest lands, or mineral resource lands, contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that not compatible with residential development for certain period of limited duration (RCW 36.70A.060 (1)).

### **4.3 Mineral Resource Lands**

Major deposits of sand and gravel are located in Skagit County as a result of past glacial activity. This geologic history provides raw material for several sand and gravel operations throughout the County. Sand and gravel deposits and the proximity of these deposits to the market are extremely important to the economic value.

The Growth Management Act states that "...each county...shall designate where appropriate...mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals" (RCW 36.70A.170). The Act defines "minerals" as gravel, sand, and valuable metallic substances. Other minerals may be designated as appropriate. The Act states that "...each county...shall adopt development regulations ...to assure the conservation of...mineral resource lands" (RCW 36.70A.060).

Within Skagit County, minerals of potentially long-term commercial significance include sand and gravel deposits, various quarry rock including limestone, and to a lesser degree, coal deposits. These minerals are important for highway construction...

### **Minimum Guidelines to Classify Mineral Lands (WAC 365-190-070)**

The following is a summary of the minimum guidelines to classify mineral resource lands of long-term commercial significance as established under **WAC 356-190-070**. A detailed description of each item begins with section (1) below:

- a. **Each county shall identify and classify aggregate and mineral resource lands from which the extraction of minerals occurs or can be anticipated.**
- b. **Classification criteria shall be based on geologic, environmental, and economic factors, existing land uses, and landownership.**
- c. Each county should classify lands with long-term commercial significance for extracting at least the following minerals: sand, gravel, and valuable metallic substances.
- d. **Each county should consider maps and information on location and extent of mineral deposits provided by the Washington Department of Natural Resources and the US Bureau of Mines.**
- e. **Each county should consider classifying known and potential mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded.**
- f. Each county shall also consider the effects of proximity to population areas and the possibility of more intense uses of the land as indicated by:
  - i. General land use Patterns in the area.
  - ii. Availability of utilities.
  - iii. Availability and adequacy of water supply.
  - iv. Surrounding parcel sizes and surrounding uses.
  - v. Availability of public roads and other public services.
  - vi. Subdivision or zoning for urban or small lots.
  - vii. Accessibility and proximity to the point of use or market.
  - viii. Physical and topographic characteristics of the mineral resource site.
  - ix. Depth of the resource.
  - x. Depth of the overburden.
  - xi. Physical properties of the resource including quality and type.
  - xii. Life of the resource.
  - xiii. **Resource availability of the region.**

## **General land use patterns in the area**

Aggregate mining, by the very nature of its activity and character of its facilities, is an industrial use. **As a mine site is encroached upon by residential development, even in rural areas, the site becomes more visible and open to possible nuisance complaints.** Consequently, it often becomes the focus of attention with surrounding residences. Mining operations are often identified as a LULU, "locally undesirable land use" or a NIMBY, "not in my back yard". While there are choices in locating most types of land uses, this option does not exist where aggregate mine operations are concerned. The resource can only be extracted from those deposits that are economically viable.

## **Surrounding parcel sizes and surrounding uses**

There is a necessity for mineral extraction to be located in areas of the County with low population densities. **Mineral resource lands and suburban development are incompatible land uses.** Forest resource and agricultural land use densities are low enough to reduce potential conflicts with mining sites. Residential densities on lands within a quarter mile of a designated mineral resource area should be low to avoid both potential land use conflicts and incompatibilities with mineral resource activities.

## **Accessibility and proximity to the point of use or market**

**Nonmetallic minerals such as sand, gravel, and crushed stone deposits typically require minimal processing from their original rock or mineral form.** Nonmetallic minerals are usually bulkier and are not transported as far from their source as are metallic commodities. They are most essential to the local market in that they support local road and building construction industries. These types of minerals cannot be transported very far before transportation costs overwhelm their value. Longer hauling distances mean more trucks, more wear on the road and more conflicts with urban uses because the market place remains the urban areas.

## **Mineral Resource Areas (MRA) Classification Category Policies**

1. MRA-1. Areas where adequate information indicates that the above criteria have been met, required permits have been issued, and designation process has been completed. The preferred use in this category shall be mining.
2. MRA-2. Areas where adequate information indicates that the above criteria have been met, a WA Department of Natural Resources Surface Mining permit has been issued, and designation has been requested.

3. MRA-3. Areas where adequate information indicates that the above criteria have the potential to be met, no required permits have been issued, designation as any other MRA has not been issued.

- (a) Adequate information for the purpose of designating Mineral Resource Lands shall consist of, but not be limited to, site specific information prepared by a qualified geologist, U.S. Geological Survey maps, or information on file with the WA Department of Natural Resources mining permit data.
- (b) A qualified geologist shall be defined as a person who earns his or her livelihood from the field of geology and has received a degree from an accredited four-year institution of higher education.