



Memorandum

TO: Whatcom County Planning Commission

FROM: Joshua Fleischmann, PDS

DATE: April 23, 2021

SUBJECT: PLN2017-00004 - MRL Countywide Designation
PLN2012-00009 - North Star MRL
PLN2019-00002 - Breckenridge MRL
PLN2019-00010 - Surface Mining Pipeline Buffer
PLN2019-00011 - Surface Mining Dry Meander Zones
PLN2019-00001 - E Pole Road MRL (not-docketed)

The purpose of this memo is to provide information on a packet of five (5) Mineral Resource Land (MRL) related docketed items as well as a single non-docketed item.

This packet includes four (4) MRL Comprehensive Plan amendments and two (2) MRL Overlay zoning code amendments.

At the culmination of this Planning Commission review, staff hopes for policy direction recommendations to the County Council for a pathway forward on PLN2017-00004 - MRL Countywide Designation, as well as a recommendation to the County Council on the zoning code amendments.

I look forward to discussing these items with you.

PLN2017-00004 - MRL Countywide Designation

As part of the 2016 Comprehensive Plan Update, an existing policy was amended to consider potential commercially significant mineral resource lands for designation as Mineral Resource Lands (MRL) through a county-led county-wide assessment. Planning and Development Services staff worked with the Whatcom County Surface Mining Advisory Committee (SMAC) to identify potential resource areas for consideration as Designated MRL.

The attached white paper provides background on the SMAC recommendation, as well as identifying issues and providing alternative approaches for your consideration.

PLN2012-00009 - North Star MRL

An application for MRL expansion of the North Star Road MRL was submitted in 2012. The proposed expansion of the existing MRL is a 20-acre parcel immediately adjacent to the south. Expansion would include a new parcel currently designated Rural on the Comprehensive Plan Land Use Map. Subsequent requests for information have been made, but necessary information has not been submitted.

In any approach to the countywide review of Designated MRL resulting in additional designated areas, as discussed in the white paper, the expansion proposed with this application would be included and become Designated MRL. If an alternative approach to the countywide review is taken where the subject parcel does not become Designated MRL, staff will process this application individually and return to the Planning Commission in the future for review.

PLN2019-00002 - Breckenridge MRL

An application for MRL expansion of the Breckenridge MRL was submitted in 2019. The proposed expansion of the existing MRL includes ~22.8 acres immediately adjacent to the south. Expansion would include a new parcel currently designated Rural on the Comprehensive Plan Land Use Map, as well as a portion of a parcel that is already partially designated MRL.

In any approach to the countywide review of Designated MRL resulting in additional designated areas, as discussed in the white paper, the expansion proposed with this application would be included and become Designated MRL. If an alternative approach to the countywide review is taken where the subject parcel does not become Designated MRL, staff will process this application individually and return to the Planning Commission in the future for review.

PLN2019-00010 - Surface Mining Pipeline Buffer

The purpose of this docketed zoning text amendment is to determine the minimum safe distance between surface mining and petroleum pipelines to ensure a pipeline will not become exposed or rupture during an earthquake event and contaminate an aquifer. The proposed amendment suggests the determination should be based on independent sources where possible, and assume a magnitude 9.0 or greater earthquake.

Based upon feedback from pipeline operators, as well as approaches from multiple jurisdictions, there is no standard minimum distance. In response, without examples of minimum standards, PDS staff drafted language requiring geotechnical analysis for instances of large-magnitude, low-frequency seismic events. The drafted language was recommended for approval by a unanimous vote of the SMAC.

PLN2019-00011 - Surface Mining Dry Meander Zones

The purpose of this docketed zoning text amendment is to allow for seasonal extraction of sand and gravel from dry upland areas located within the 1,000 year meander zone of the Nooksack River, provided that such extraction has no negative impact on salmon spawning habitat.

In short, no amendments are necessary to Whatcom County Code to allow for the uses proposed through this docketed item.

Existing Whatcom County Comprehensive Plan goals and policies, as well as the existing Shoreline Management Program (SMP) code and DRAFT SMP code update, support and offer permitting pathways to allow for the activities outlined in the docketed proposal. The limiting factors on the initiation of activities proposed by the docketed amendment and presently allowed by the SMP continue to be an extensive permitting/authorization process (and associated costs) at the State and Federal level, rather than Whatcom County Code.

PLN2019-00001 - E Pole Road MRL (not-docketed)

An application for MRL expansion of the E. Pole Road MRL was submitted in 2019. The application was not ultimately docketed. The proposed expansion of the existing MRL includes ~21.7 acres immediately adjacent to the east. Expansion would include a portion of a parcel that is currently designated Rural and already partially designated MRL.

In any approach to the countywide review of Designated MRL resulting in additional designated areas, as discussed in the white paper, the expansion proposed with this application would be included and become Designated MRL. If an alternative approach to the countywide review is taken where the subject parcel does not become Designated MRL, this application remains un-docketed and staff will not proceed with processing.

Staff looks forward to discussing these items with you.