From:	Cnty 2025 Comp Plan
To:	zrpnorthwest@gmail.com
Cc:	Oliver Orjiako; Jose Alvarez; Rebecca Messinger; Cnty 2025 Comp Plan
Subject:	FW: 2025 Comprehensive Plan Update FEIS - Mineral Resource Lands
Date:	Friday, September 25, 2026 8:24:00 AM
Attachments:	Mineral-Resources-FEIS-Comment-Letter.pdf image001.png image002.png image003.png image004.png

Good day, Dennis,

Thank you very much for submitting comments related to the FEIS for the 2025 Comprehensive Plan update.

These will be added to the Comprehensive Plan Index of Record. I am forwarding to additional staff, including Rebecca Messinger from the Council's Office as well for awareness and to share with the Council.

Best,

Jeff Delapena
Program Assistant
COMMUNITY PLANNING

564.397.4558

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From: Dennis Zimmerly <zrpnorthwest@gmail.com>
Sent: Thursday, September 24, 2026 3:41 PM
To: Sue Marshall <Sue.Marshall@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Matt Little <Matt.Little@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Wil Fuentes <Wil.Fuentes@clark.wa.gov>
Cc: Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>; Cnty 2025 Comp Plan <comp.plan@clark.wa.gov>

Subject: 2025 Comprehensive Plan Update FEIS - Mineral Resource Lands

EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Chair Marshall and Councilors,

Attached is our FEIS comment letter addressing the proposed Chapter 3 mineral-resource policies and identifying corrections for Council's consideration before final adoption.

Please include the letter in the Comprehensive Plan record. Thank you for the opportunity to assist Council with this review.

Dennis Zimmerly
503-522-2200

Please excuse any errors as this was sent from a internet device

Via email

RE: 2025–2045 Comprehensive Plan FEIS — Mineral Resource Lands, SMO Acreage, and Chapter 3 Policies

Chair Marshall and Councilors:

The County's planned growth depends on aggregate for roads, utilities, homes, and public facilities. Yet the Final Environmental Impact Statement omits mineral lands from its resource-land acreage tables and reports approximately 3,300 acres of Surface Mining Overlay without reconciling that figure with current mapping or explaining how much of the mapped resource is available to meet future needs.

We ask Council to correct that accounting and revise the proposed Chapter 3 policies before adoption. The comments below identify the supporting record and specific changes needed to protect access to commercially significant deposits, account for future aggregate supply, and recognize reclamation and beneficial reuse.

Chapter 3 mineral resource policies should be corrected

On June 30, 2026, I separately advised the Council in writing that the proposed Mineral Lands policies did not fully reflect the hierarchy established by WAC 365-190. The current Chapter 3 draft still contains the same core problem: it adds detailed criteria capable of limiting designation, but does not expressly state that natural-resource uses have preferred and primary status, that access to commercially significant deposits must not be knowingly precluded, or that mineral extraction should remain the priority use on designated mineral resource lands. The comparison below identifies the principal conflicts and omissions. A copy of the June 30 comment is attached and resubmitted for inclusion in the Comprehensive Plan record.

1. WAC establishes mineral resource lands have a Preferred and Primary status

County draft The Mineral Lands Goal calls for minimizing "conflict between surface mining and surrounding land uses." Without expressly recognizing the resource-use priority, that wording flips the emphasis: treating mining as the conflict to be minimized rather than protecting designated mineral resources from incompatible surrounding uses. Conflict management should implement the WAC's priority.

WAC standard WAC 365-190-040(11)(a) provides that "Natural resource uses have preferred and primary status in designated natural resource lands."

Effect and requested correction The draft begins with conflict minimization instead of the required resource-land hierarchy. Amend the Goal and policy 3.6.1 to state that designated mineral resource lands are protected for long-term productive economic use, that mineral-resource use has preferred and primary status, and that incompatible uses may not preclude or materially restrict access and extraction.

2. Designated mineral-resource uses are priority to adjoining land uses

County draft Proposed policy 3.6.2(b) considers surrounding zoning and parcel size, including "proximity to and impacts on residentially zoned areas." Although surrounding uses are legitimate classification considerations, this wording emphasizes mining's effects on residential development without expressly explaining how incompatible residential encroachment will be managed to protect mineral resources. For existing SMO-designated lands or DNR-permitted mining areas, the County should consider the documented deposit, permit history and access needs when evaluating mineral-resource protection and protect qualifying deposits from incompatible encroachment.

WAC standard WAC 365-190-040(12) requires development within and adjacent to designated resource lands to protect their continued use for resource production. The WAC does **not** say: "Mineral lands should be avoided if nearby residential zoning exists." Rather, it states, "Adjacent uses should not interfere with mineral production."

Effect and requested correction Retain proposed policy 3.6.5's protection against incompatible adjacent uses and carry that protection consistently into the Goal and designation criteria. Clarify that surrounding residential zoning does not automatically disqualify otherwise qualifying mineral resource lands. Require incompatible adjacent development to be located, designed and buffered so it does not displace, preclude or materially restrict lawful mineral-resource use. Where buffers are necessary, place them within the adjacent development unless the affected landowners mutually agree otherwise.

3. Rural zoning should not prevent protection of known mineral resources

County draft Proposed policy 3.6.2(d) states, "The surface mining overlay shall not be designated on parcels zoned Rural (R)." The draft also deletes the existing-mine exception formerly included in policy 3.6.6, even though proposed policy 3.6.2(e) recognizes reclamation and post-mining reuse.

WAC standard WAC 365-190-070(2), (4)(a), and (4)(d) direct counties to identify and classify mineral lands for current and future extraction, require designation so access to deposits of long-term commercial significance is not knowingly precluded, and provide that priority for mineral extraction should be retained on designated lands. These provisions also recognize that mining may be temporary and that other uses may follow its completion, subject to approval. They contain no categorical exclusion for Rural-zoned land.

Effect and requested correction Mineral deposits are location-dependent and commonly occur outside urban areas. A Rural zoning designation should not, by itself, foreclose protection of an otherwise qualifying deposit, particularly where mining or resource access is already established. Remove the blanket prohibition on Rural-zoned parcels and retain the existing-mine exception. Clarify that the policy does not prevent the County from reviewing and correcting errors or omissions in its existing mineral-resource maps

4. Transportation should inform classification, not operate as automatic barriers

County draft Proposed policy 3.6.2(c) considers road suitability and safety, distance to market, residential truck routes, and intersection adequacy. It would consider future transportation improvements only when specific improvements are identified and funded in the County transportation plan.

WAC standard WAC 365-190-070(3)(d)–(e) permits consideration of distance to market, access, proximity to transportation facilities, public roads, and energy costs. Subsections (2) and (4)(b) also require protection for future use and evaluation of whether designated resources are adequate for projected needs.

Effect and requested correction The WAC treats transportation as a classification consideration, not a reason to eliminate otherwise valuable mineral deposits. A resource with poor current access may still be a long-term mineral resource if transportation improvements are foreseeable. Direct staff to weigh transportation together with deposit quality and quantity, regional need, material type, and reasonably foreseeable transportation improvements.

5. Anti-preclusion and priority-extraction standards are missing

County draft The proposed policies contain no direct equivalent to the state anti-preclusion and priority-extraction language.

WAC standard WAC 365-190-070(4)(a) provides that counties "must designate known mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded" and that "[p]riority land use for mineral extraction should be retained."

Effect and requested correction Add: "Designation and regulation of mineral resource lands shall retain priority for mineral extraction and shall not knowingly preclude access to deposits of long-term commercial significance."

6. Future aggregate supply is not adequately protected

County draft The proposed policies address conservation and mitigation but do not expressly require protection of an adequate aggregate supply for projected public and private construction.

WAC standard WAC 365-190-070(2) and (4)(b)–(c) require future availability, an assessment of whether resources are adequate for projected needs, and consultation regarding aggregate needed for major regional transportation projects.

Effect and requested correction Add a policy to assess and protect sufficient aggregate resources for projected public and private construction, including the major transportation improvements and long-term maintenance needs identified in the FEIS. Evaluate supply by material type, quality, access and regional availability, including the costs, haul distances and emissions associated with reliance on more distant sources.

Mineral resource lands are omitted from the resource-land acreage tables

The resource-land discussion states that Clark County's resource lands include forests, farmland, and mineral resource areas (p. 103), and the following page recognizes that the GMA requires the County to preserve agricultural, forest, and mineral resource lands. Yet Table 60, titled Area of Resource Lands in Clark County Outside of UGAs, includes only Agriculture/Wildlife, Agriculture, and Forest acreage (p. 104). Mineral resource lands are absent. The same omission appears in Table 70's Preferred Alternative comparison (p. 119).

The omission is particularly conspicuous because page 106 states that the Surface Mining Overlay District (SMOD) encompasses approximately 3,300 acres. Because SMOD is an overlay and may overlap underlying agricultural, forest, or rural zoning, the mineral acreage may need to be shown as a separate non-additive line or explanatory footnote. At a minimum, Tables 60 and 70 should either include mineral resource acreage with an overlap explanation or be retitled to make clear that they report only agricultural and forest resource lands. The Preferred Alternative analysis should also disclose whether there is any change to mineral resource lands or their protection from incompatible uses.

This is not a minor omission. The FEIS anticipates approximately $4.83 billion in transportation maintenance and preservation and $4.48 billion in capital improvements through 2045, in addition to the Interstate Bridge Replacement program (pp. 131–132). Those projects will require large quantities of construction aggregate. An FEIS that recognizes the region's extensive infrastructure needs should fully account for the designated mineral resources needed to build and maintain that infrastructure. Council should also consider establishing a dedicated mineral and aggregate advisory committee to provide ongoing technical input on this protected resource sector.

DNR's October 1, 2025 presentation reinforces this need. Slides 3 and 6 distinguish aggregate types, describe sparse sand-and-gravel resources and increasing reliance on imports, and identify transportation and environmental constraints on hard-rock supply. The FEIS should explain how material

type, quality, access and delivery costs were considered when evaluating supply for the infrastructure it anticipates, consistent with WAC 365-190-070(4)(b)–(c).

The reported SMO acreage should be reconciled with the available supply

The approximately 3,300-acre figure on page 106 also needs a traceable basis. An independent calculation from the County's published SMO zoning layer, retrieved September 18, 2026, produces approximately 2,714 gross acres; the separate Comprehensive Plan Mining layer produces approximately 2,722 acres. These overlapping layers should not be added together. Staff should identify the dataset, date and geographic scope supporting the FEIS figure and reconcile the difference. This is an unresolved inventory discrepancy, not proof that approximately 586 acres were removed or that the remaining mapped acreage is all available for mining.

The Lewis River Ranch acquisition illustrates a separate issue. The County's approximately 89-acre Legacy Lands parcel, 227019000, remains within the mining overlays. At the August 5, 2025 Council hearing, staff and the deputy prosecutor explained that mining was inconsistent with Conservation Futures purposes, while also discussing reserved third-party mineral rights and possible funding distinctions (approximately 2:09:49–2:12:44 and 2:20:21–2:21:36). The earlier 89-acre acquisition and later 96-acre authorization should remain distinct. The FEIS should identify the restrictions and retained rights affecting these lands and explain how they are counted. Retaining an overlay does not, by itself, establish that conservation-constrained land remains available to supply aggregate.

The FEIS should also substantively address Comment 187, page 373, concerning the four Washougal Pit parcels omitted from the Surface Mining Overlay. Referring the applicant to a standard map-correction process does not explain how the submitted DNR records and boundary maps were evaluated. Before adoption, the County should address the evidence, explain the basis for retaining or correcting the mapped boundary, and identify how the discrepancy affects protection of the established mineral resource and its access.

The extraction and processing distinction should be reflected in the code

We appreciate the distinction on page 106 between extraction of sand, gravel, and minerals within the SMOD and specified related high-impact activities, such as rock crushing, requiring a conditional use permit. That distinction provides a constructive policy direction. However, CCC 40.250.022(C)(2)(a) currently lists extraction itself as a conditional use. The FEIS should accurately describe current law, and Council should direct preparation of corresponding code amendments to allow extraction within designated mineral lands subject to applicable operating and environmental standards while retaining separate review of higher-impact processing. Those amendments should preserve established approvals.

The characterization of rock quarrying as a primary countywide noise source is unsupported

Page 90 lists rock quarrying among the primary noise sources in Clark County. In context, that statement suggests quarrying is a major countywide contributor comparable to vehicular traffic, railroads, airports, construction, commercial and industrial operations, and broad categories of residential and human activity. The FEIS does not provide current quantitative data, an inventory of active quarry sites, or a comparison of relative noise contributions to support that characterization. It also relies on a 1992 County source that is now more than three decades old.

Quarrying should not be used as a catch-all term for sand and gravel extraction, processing, and rock crushing. Revise the paragraph to identify mineral operations as potential noise sources only where those activities occur, distinguish extraction from processing and crushing, and recognize that site-specific noise is evaluated under Chapter 173-60 WAC and applicable project-level review.

Requested Council action

Before final adoption, please direct staff to take the following actions:

- Revise the Chapter 3 Mineral Lands Goal and policies to recognize the preferred and primary status of mineral resource uses on designated mineral resource lands, protect access from incompatible adjacent development, retain priority for mineral extraction, and prevent the knowing preclusion of commercially significant deposits. Address adequate future aggregate supply for projected public and private construction, including major transportation improvements and long-term maintenance.
- Delete or narrowly qualify the proposed Rural-zone exclusion, restore the existing-mine exception, and clarify that the policies do not prevent review and correction of errors or omissions in existing mineral-resource maps.
- Treat transportation as a mineral-resource classification factor, not an automatic barrier to designation. Consider deposit quality and quantity, material type, regional availability and need, existing access, haul costs and emissions, and reasonably foreseeable transportation improvements.
- Do not adopt staff's proposed Chapter 3 mineral resource policy changes as drafted. If corrected policies are not adopted during this update, retain the existing policies on an interim basis and direct staff to return a separate amendment package addressing this letter. Preserve this letter in that record. Do not defer evaluation of the documented SMO mapping correction to that broader policy process.
- Correct Tables 60 and 70 to show mineral resource acreage and explain overlaps with underlying resource-land designations without double counting. Identify the source and date of the approximately 3,300-acre figure, reconcile it with current mapping data, and distinguish mapped acreage from resources actually available to supply projected needs.
- Provide a substantive response to FEIS Comment 187. Address the submitted DNR records and boundary maps, explain the basis for retaining or correcting the Washougal Pit's mapped boundary, and identify the procedure and timetable for resolving the discrepancy.
- Revise the unsupported characterization of rock quarrying as a primary countywide noise source. Direct preparation of code amendments that distinguish mineral extraction from higher-impact processing activities while preserving established approvals.
- Establish a mineral and aggregate advisory committee to provide technical and industry input concerning mineral resource policies, aggregate supply, and future Comprehensive Plan and development-code amendments.

These corrections advance the mineral-resource protections of the Growth Management Act and WAC 365-190. They protect future mineral supplies and reflect the public benefits of local aggregate extraction as a temporary land use followed by reclamation and beneficial reuse.

Thank you for your consideration.

Dennis Zimmerly

2025 Comp Plan - Chapter 3 Rural and Natural Resource Element - Policies language 3.6 - Work Session

Dennis Zimmerly <zrpnorthwest@gmail.com> Tue, Jun 30, 2026 at 3:45 PM
To: Sue Marshall <sue.marshall@clark.wa.gov>, wil.fuentes@clark.wa.gov, michelle.belkot@clark.wa.gov, Matt Little <matt.little@clark.wa.gov>, Glen Yung <glen.yung@clark.wa.gov>
Cc: Kathleen Otto <Kathleen.Otto@clark.wa.gov>

Dear Councilors,

In comparing the WAC/RCW requirements against the County's proposed **Chapter 3 Rural and Natural Resource Element** – specifically the **Mineral Lands 3.6 Policies** language, the County's proposed language is **directionally inconsistent with the stronger "protect mineral resource priority" language in the GMA/WAC.** This is particularly concerning because the proposed language introduces additional balancing criteria that appear to elevate adjacent residential compatibility concerns over preservation of long-term mineral resource access.

The issue is not that the County cannot consider impacts. The WAC expressly allows consideration of environmental, transportation, and surrounding land uses. The problem is **the hierarchy**: the WAC says verbatim mineral resource lands are a **preferred and primary use** on designated lands; the County draft reads more like mineral extraction is one use to be accommodated only if it does not conflict with surrounding development.

The County must recognize that aggregate resources are finite, location-dependent, and cannot simply be replaced by another zoning designation once residential development surrounds them.

Key conflicts/omissions:

1. WAC establishes mineral resource lands have priority status — County draft ignores this priority

WAC 365-190-040(11)(a):

"Natural resource uses have **preferred and primary status** in designated natural resource lands."

The County draft states: "minimize conflict between surface mining and surrounding land uses"

That wording flips the emphasis. The statutory purpose is not primarily to minimize conflict by restricting mining; rather, it is to **protect resource industries from incompatible surrounding uses**.

A stronger County policy would state: “Protect designated mineral resource lands from incompatible uses that would preclude or restrict access and extraction.”

The County language suggests mining is the conflict to be minimized, rather than recognizing that residential encroachment is the conflict that must be managed.

2. County gives residential zoning too much weight

County draft states: “Surrounding land uses, zoning and parcel size, including consideration of proximity to and impacts on residentially zoned areas…”

The WAC established a different standard: **WAC 365-190-040(12)**: “Any uses adjacent to agricultural, forest, and mineral resource lands ... must not interfere with their continued use…”

The burden is reversed.

The WAC does **not** say: “Mineral lands should be avoided if nearby residential zoning exists.”

Rather, it states: “Adjacent uses should not interfere with mineral production.”

This distinction is important because residential zoning can be created after mineral deposits are identified. Otherwise, a county could effectively sterilize valuable mineral resources simply by allowing residential development around them.

3. County’s “Rural zone exclusion” appears problematic

County draft states: “The surface mining overlay shall not be designated on parcels zoned Rural (R).”

The WAC says differently.

WAC 365-190-070 requires counties to identify mineral resource lands: “from which extraction of minerals occurs or can be anticipated.”

It does **not** exclude rural lands. In fact, mineral resources are commonly located in rural areas.

The WAC specifically recognizes: “Mineral resource lands will be depleted over time, and subsequent land uses may occur after mining is completed.” Meaning the designation is about **protecting the mineral resource first**, regardless of current zoning.

A blanket prohibition on Rural (R) parcels is inconsistent with:

WAC 365-190-070(4)(a): “Counties and cities must designate known mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded.”

4. County adds criteria not found in WAC that could sterilize resources

The County adds:

-“distance to market”

-“need to route truck traffic through residential areas”

-“adequacy of intersections”

The WAC does allow transportation considerations:

WAC 365-190-070(3)(d):

-“distance to market”

-“availability of public roads”

So those are legitimate. However, the concern is that the County draft elevates transportation issues into potential barriers to designation.

The WAC treats transportation as a classification consideration — not a reason to eliminate otherwise valuable mineral deposits.

A resource with poor current access may still be a long-term mineral resource if transportation improvements are foreseeable.

5. County language lacks the required “do not preclude access” standard

The strongest WAC language:

WAC 365-190-070(4)(a): “Priority land use for mineral extraction should be retained for all designated mineral resource lands.”

The County draft does not contain equivalent language. It should.

A compliant policy should include: “Designation of mineral resource lands shall retain priority for mineral extraction and shall not knowingly preclude access to deposits of long-term commercial significance.”

6. County appears stronger on mitigation than protection

The County draft includes:

- minimize impacts
- protect fish/wildlife/water
- avoid residential conflicts
- haul route concerns

But it lacks the necessary counterbalance:

- protect future aggregate supply
- prevent incompatible encroachment
- maintain access to mineral deposits
- preserve economically viable deposits

The WAC repeatedly emphasizes future availability:

WAC 365-190-070(2): “assure availability of minerals for future uses, and to not inadvertently preclude access to available mineral resources due to incompatible development.”

That concept is missing from the County draft.

Lastly, for the July 1st Work Session meeting materials, the Presentation outline on page 4 under Review of Chapter identifies a step to “Review with advisory groups and affected departments.” However, unlike other protected resources, there does not appear to be an established advisory group specifically focused on mineral resources or aggregate supply issues.

Given the importance of aggregate resources to the County’s long-term infrastructure needs, economic development, affordable housing and availability of construction materials, this may be an appropriate time to establish an Aggregate Advisory Committee or similar stakeholder group to provide subject matter input on mineral resource policies.

Thank you.

Dennis Zimmerly
503-522-2200

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