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## COMMUNITY PLANNING

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### MEMORANDUM

**TO:** Clark County Planning Commission

**FROM:** Oliver Orjiako, Director

**DATE:** November 20, 2014

**SUBJECT:** Surface Mining Overlay (SMO); Public Hearing

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#### PURPOSE

The purpose of the hearing is to consider staff recommendations for mineral resource lands development regulations in support of the Surface Mining Overlay (SMO) update. This hearing will focus primarily on monitoring and enforcement provisions the Planning Commission recommended that staff develop.

#### BACKGROUND

The update of the surface mining overlay (SMO) includes 1) an update to the comp plan map of where the overlay is applied; 2) revisions to comp plan mineral resource lands policies; and 3) revisions to development standards relating to mining activities. The Board appointed a Mineral Lands Task Force which held 13 meetings between November 8, 2011 and August 13, 2013. Recommendations came from the task force for updating the surface mining overlay map, as well as on the mineral lands policies and standards. Most of the public outreach, including the 60-day Commerce review and the preparation of a SEPA checklist, occurred prior to the Planning Commission hearings.

The Planning Commission held four public hearings in the fall of 2013, and made its map recommendations to the Board. The Board of County Commissioners and the Planning Commission held a joint meeting on April 17, 2014 to discuss proposed SMO designations as recommended by the Planning Commission. The Board on June 3, 2014 agreed in principle to the Planning Commission recommendation with the exception of the inclusion of Courtney Pit.

The Planning Commission also made recommendations on the comp plan policies and development standards related to mineral resource lands. Those recommendations to the Board are dated December 5, 2013. One of the recommendations was for staff to draft a new code section on monitoring and enforcement.

#### PROCESS

Staff presented the new code language at a Board work session on August 27, 2014. At that time the Board asked staff to attempt to reconcile the Planning Commission recommendations and proposed staff changes with various stakeholders. Staff met with

both the Friends of Livingston Mountain and with industry operators to attempt to work out any remaining differences.

The proposal includes:

- 1) a new code section (Section 40.250.020(F)) on monitoring and enforcement;
- 2) a change in the permitting requirements such that new extraction becomes a conditional use rather than a permitted use; and
- 3) technical edits to make the code and policies read better.

Because of the nature of the changes in (1) and (2) above, staff made the decision that the language should go back to the Planning Commission before all the policy and code language goes to the Board.