

ORDINANCE NO. _____

AN ORDINANCE IMPLEMENTING CHANGES TO THE THURSTON COUNTY COMPREHENSIVE PLAN AND THE NISQUALLY SUBAREA PLAN, AMENDING THE THURSTON COUNTY CODE INCLUDING THE THURSTON COUNTY MINERAL EXTRACTION AND ASPHALT PRODUCTION CODE (CHAPTER 17.20 TCC) AND THURSTON COUNTY ZONING ORDINANCE (TITLE 20 TCC) BY AMENDING THURSTON COUNTY CODE CHAPTER 17.20, SECTION 20.03.040, CHAPTER 20.30B, CHAPTER 20.54, AND CHAPTER 20.60, AND FULFILLING THE REQUIREMENTS OF THE WASHINGTON STATE GROWTH MANAGEMENT ACT BY AMENDING THE OFFICIAL ZONING MAP FOR THURSTON COUNTY, SECTION 20.06.010, AND TO PROVIDE TO OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals that are intended to guide the development and adoption of comprehensive plans, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, environment, citizen participation and coordination, public facilities and services, historic preservation, and shoreline management act goals and policies; and

WHEREAS, the GMA requires the comprehensive plan and development regulations to demonstrate and uphold the concepts of internal consistency, conformity, and concurrency; and

WHEREAS, the GMA also requires a process of early and continuous citizen participation for amending comprehensive plans and development regulations; and

WHEREAS, the development regulations and the official zoning map in Thurston County adopted under the GMA must be consistent with the Thurston County Comprehensive Plan Future Land Use Map and associated Joint Plans; and

WHEREAS, the Board of County Commissioners (Board) has made findings of fact relating to the amendments to the Thurston County Code (TCC) supporting said amendments which are set forth below for adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. FINDINGS. For the purposes of effective land use planning, the Board of County Commissioners of Thurston County adopts the following legislative findings of fact for adopted amendments:

A. GENERAL FINDINGS

1. Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), and has performed professional review, public notice, and comment with respect to these amendments; and

2. The GMA requires counties to adopt county-wide planning policies to guide the adoption of comprehensive plans and associated development regulations. The principal purpose of these policies is to ensure that the comprehensive plans and development regulations of counties and the cities within them are coordinated with each other; and

3. The Thurston County Comprehensive Plan, as amended, collectively includes joint plans with the cities of Bucoda, Lacey, Olympia, Rainier, Tenino, Tumwater, Yelm, and other subarea plans, with chapters on land use, natural resource lands, housing, transportation, capital facilities, utilities, economic development, the natural environment, archeological and historic resources that govern development throughout unincorporated Thurston County and comply with GMA requirements for comprehensive plans; and

4. The development regulations in the Mineral Extraction and Asphalt Production Code (Chapter 17.20 TCC) apply to mineral extraction and asphalt plants in unincorporated Thurston County and the Thurston County Zoning Ordinance (Title 20 TCC) applies to the unincorporated rural county as well as the unincorporated Urban Growth Areas (UGA) of Rainier, Yelm, Tenino and Grand Mound. The locations and boundaries of the zoning districts established in the Thurston County Zoning Ordinance are shown on the Official Zoning Map, Thurston County, Washington (Chapter 20.06 TCC); and

5. The amendments to the Mineral Extraction and Asphalt Production Code and the Thurston County Zoning Ordinance adopted by this ordinance were prepared, considered and adopted in compliance with county-wide planning policies; and

6. The development regulation amendments adopted by this ordinance are consistent with and are intended to implement Comprehensive Plan amendments adopted by resolution, which were included on the 2020-2021 Official Comprehensive Plan Docket as required by Chapter 2.05 Thurston County Code (TCC), Growth Management Public Participation; and

7. The County uses several methods to ensure early and continuous public participation and open discussion in the review of proposed amendments including but not limited to direct mailing, email lists, internet information pages, and posted public notices; and

8. The amendments to the Thurston County Code adopted by this ordinance were the subject of a series of public hearings before the Thurston County Planning Commission and the Thurston County Board of County Commissioners (Board) and separate work sessions by each body as required by the GMA and the Thurston County Code; and

9. In formulating its recommendations, the Planning Commission considered public comments received through public hearings and the public process; and

10. In formulating its decision, the Board considered comments received through public hearings and the public process; and

11. Pursuant to RCW 36.70A.106, the State of Washington Department of Commerce was notified of the proposed change on October 1, 2020; and

12. The adoption must be processed in compliance with the requirements of the State Environmental Policy Act (SEPA); and

13. This ordinance will amend the Thurston County Code, including the Mineral Extraction and Asphalt Production Code and the Thurston County Zoning Ordinance; and

14. This ordinance will amend the Official Zoning Map for Thurston County, Washington, under section 20.06.010 TCC; and

15. Policy changes corresponding to the regulation changes contained in this ordinance are adopted by resolution and are consistent with the Comprehensive Plan policies; and

16. In formulating the development regulations adopted by this ordinance, the Board has considered the goals contained in the GMA. The Board has weighed the goals as they apply to the subject matter of this ordinance; and

17. The findings below and the record generated in the public hearing and review process and at the adoption of this ordinance show that the amendments are consistent with GMA goals; and

18. The Board believes adopting the amendments are necessary for the preservation of the public health, safety, and general welfare of Thurston County residents; and

19. The same findings of fact that support the comprehensive plan amendments contained in the corresponding resolution are also relevant to the specific amendments to the official zoning map contained in this ordinance and are incorporated herein by this reference.

B. FINDINGS

RELATING TO POLICY E.5 NISQUALLY SUBAREA PLAN: THURSTON COUNTY ZONING ORDINANCE SECTION 20.54.070(3.1) TCC ASPHALT PRODUCTION

1. On November 15, 2016, Thurston County received a citizen-request from Lakeside Industries, Inc. for a comprehensive plan amendment, requesting the County consider amending Policy E.5 of the Nisqually Subarea Plan to allow for recycled asphalt processing (RAP) within the Nisqually Subarea; and

2. Asphalt recycling is an accessory use typically found in conjunction with mineral extraction and asphalt production; and

3. Asphalt recycling is permitted in Thurston County on a case-by-case basis, subject to the current regulations of the Thurston County Code. The Nisqually Subarea is the only area within the County that previously had a broad policy-level prohibition. Policy changes to the Nisqually Subarea Plan as adopted by corresponding resolution expand asphalt recycling as an allowable use in the Nisqually Subarea with a requirement of Best Management Practices for covered storage and are consistent with the regulation changes contained in this ordinance; and

4. The Thurston County Code includes specific standards within the Special Use Chapter 20.54 TCC for asphalt production; and

5. Additional standards including but not limited to best management practices for spill prevention, storage of fuel and hazardous materials, stormwater control, dust and smoke control, and noise exist in the Mineral Extraction and Asphalt Production Code (Chapter 17.20 TCC); and

6. Current standards within the Thurston County Code do not require covered storage of recycled asphalt; and

7. Amendments as contained in this ordinance will require best management practices be implemented to provide covered storage of recycled asphalt stockpiles in the Nisqually Subarea.

The specific type of covered storage is flexible and will be determined through the site-specific permitting process; and

8. The National Asphalt and Pavement Association (2015) lists coverage of stockpiles as one type of best management practice to minimize exposure of recycled asphalt to precipitation; and

9. The Nisqually Subarea is roughly 9,000 acres in northeastern Thurston County and includes the Billy Frank Jr. Nisqually Wildlife Refuge, portions of the Nisqually Indian Reservation, Joint Base Lewis-McChord, and the McAllister Geologically Sensitive Area, and areas of Long-Term and Nisqually Agriculture; and

10. An open house was held on July 27, 2017 to provide an overview to the public of the proposed amendment; and

11. The County issued an RFP in October 2017 to seek proposals from qualified firms to conduct analysis of potential environmental and public health implications of asphalt recycling based on existing scientific information; and

12. Thurston County hired Herrera Environmental Consultants, Inc. to conduct an analysis of potential environmental implications of recycled asphalt; and

13. The consultant literature report, “Literature Review: Contaminant Leaching from Recycled Asphalt Pavement” was finalized on May 14, 2019. This report only drew broad summaries from the research; and

14. The consultant report concluded that as a source of contaminants, recycled asphalt pavement is highly variable, dependent on the manufacturing process, source, duration and degree of weathering, exposure, and how long it’s stored. Some contaminants were leached at levels above Washington State Groundwater Standards, and these exceedances typically occurred during the initial flushing of recycled asphalt pavement; and

15. Although the consultant report did not include an assessment of potential environmental impact from the application of Best Management Practices or from fate and transport of contaminants, a number of researchers suggested that impact to the environment would be negligible if dilution and assimilation were considered; and

16. Hydrogeologic conditions vary considerably across the Nisqually Subarea. Specific conditions and critical areas are evaluated when a permit application is received for a development proposal, and may limit locations within the Nisqually Subarea where these types of uses can occur; and

17. A public information meeting was held on June 20, 2019 to provide an overview of Herrera Environmental Consultant’s report; and

18. The Thurston County Planning Commission reviewed the proposed amendment over three work sessions on July 17, August 5, and September 2, 2020; and

19. The September 2, 2020 Thurston County Planning Commission work session included a guest panel of stakeholders that spoke directly to the Planning Commission about their concerns. The stakeholders that participated were Karen Deal and Bill Dempsey from Lakeside Industries, and David Troutt from the Nisqually River Council; and

20. The Planning Commission held a duly noticed public hearing on October 7, 2020 for the changes contained in this ordinance and the corresponding policy changes adopted by resolution; and

21. On October 7, 2020, the Thurston County Planning Commission unanimously (9-0, none absent) recommended approval of the amendment, as denoted in Option 3. The amendment under Option 3 included the applicant's requested amendment to policy E.5 that would remove the prohibition on asphalt recycling, and additional language to policy E.5 and Chapter 20.54 TCC that would require best management practices for covered storage of RAP in the Nisqually Subarea; and

22. In formulating its recommendations, the Planning Commission considered public comments received through public hearings and the public process; and

23. On October 29, 2020, the Board held a work session to consider the amendment and review the Planning Commission recommendation; and

24. On December 1, 2020, the Board held a duly noticed public hearing on the amendment; and

25. The Board considered public testimony and recommendations by the Thurston County Planning Commission and considered GMA objectives, including its goals, the Thurston County Comprehensive Plan, the Nisqually Subarea Plan, and other related plans; and

26. At a work session on December 2, 2020, the Board voted (2-0, 1 abstained) to amend Policy E.5 of the Nisqually Subarea Plan as presented in Option 3, which includes the applicant's request and additional language requiring best management practices for storage in policy E.5 and Chapter 20.54 TCC; and

27. The Board concurs with the Thurston County Planning Commission's recommendation for the reasons stated herein and the information provided during the public process; and

28. SEPA documents focused on environmental issues associated with recycled asphalt as a land use generally while deferring analysis of site-specific issues associated with future recycling proposals until after an application is received; and

29. A determination of non-significance was issued by Thurston County under SEPA (Chapter 43.21C RCW) on October 9, 2020 for the changes contained in this ordinance (SEPA No. 2016105567). The SEPA comment period ended on October 23, 2020 with two public comments received. The SEPA appeal period ended on October 30, 2020 with no appeal of the determination received.

C. FINDINGS

RELATING TO 2020 COMPREHENSIVE PLAN UPDATE, MINERAL LANDS: THURSTON COUNTY MINERAL EXTRACTION CODE CHAPTER 17.20 TCC AND ZONING ORDINANCE SECTION 20.03.040 TCC, CHAPTER 20.30B TCC, CHAPTER 20.54 TCC, AND CHAPTER 20.60 TCC

1. In 2017, the Board added the Comprehensive Plan Update to the 2017-2018 Official Comprehensive Plan Docket as Item CP-1. This item was maintained on the docket for the 2020-2021 cycle; and

2. The Board approved a Scope of Work for the Thurston County Comprehensive Plan Periodic Update on February 14, 2017 under Resolution 15436. In May 2019, management directed staff to approach the Comprehensive Plan Periodic Update using a core and continuing approach in an effort to complete mandatory core elements of the Comprehensive Plan as required under RCW 36.70A.070, and to allow for additional time of public review for a number of continuing items. The continuing items includes updates to mineral lands, long-term forestry, parks, and health; and

3. Thurston County conducted extensive review with elected officials from 2017 through 2020, holding fourteen work sessions with the Planning Commission and sixteen meetings with the Board to review the 2020 Comprehensive Plan Update amendments. This review included review of the mineral lands inventory adopted in 2019, and the designation criteria, background and policy language, map amendments, and Thurston County Code amendments; and

4. The Planning Commission held a duly noticed public hearing on August 19, 2020 for the changes contained in this ordinance; and

5. On September 2, 2020, the Thurston County Planning Commission unanimously (6-0, three absent) recommended approval of the mineral lands amendments of the 2020 Comprehensive Plan Update and associated code changes, as denoted in options A-2, C-1, D-3 as amended, E-2; and

6. In its recommendation, the Planning Commission made some minor amendments to Chapter 11, Chapter 20.54 TCC-Table 1, and Chapter 20.30B.015(e) TCC (option D-3); and

7. In formulating its recommendations, the Planning Commission considered public comments received through public hearings and the public process; and

8. On October 1 and October 15, 2020, the Board held work sessions to consider the amendments and review the Planning Commission recommendation and all other options; and

9. On November 24, 2020, the Board held a duly noticed public hearing on the amendment; and

10. Significant public comment was received throughout the public process regarding proposed changes to mineral lands. From the beginning of the project in 2017 through 2020 up until its final adoption, 430 comments were submitted regarding the mineral lands amendments; and

11. The Board considered public testimony and recommendations by the Thurston County Planning Commission in light of GMA, including its goals, the Thurston County Comprehensive Plan, and other related plans; and

12. At work sessions following the public hearing on December 2 and December 9, 2020, the Board reviewed options and testimony from the public hearing and on December 9, 2020 provided direction (2-1) to include the Planning Commission recommendations in the final plan and code, and resolution; and

13. The Board concurs with the Thurston County Planning Commission's recommendation for the reasons stated herein and the information provided during the public process; and

14. Amendments as contained in this ordinance implement policy changes to mineral lands adopted by the respective resolution. Because the area of designated mineral lands is increasing

from 5,623 acres to 142,666 acres, the County anticipates that there may be increased instances of mineral extraction due to greater certainty and clarity provided by the newly updated Mineral Resource Lands Designation Map (Map N-2), illustrating a need for new requirements in several sections of the Thurston County Code to protect public health, safety, and general welfare of the citizens of Thurston County, and to ensure proper and transparent implementation. Additionally, the map of designated mineral lands is changing and requires updates to the Thurston County Code for proper implementation; and

15. Chapter 17.20 TCC includes regulations aimed at increasing the protection of ground and surface water from the effects of mineral extraction, and to continue the availability of mined minerals to the citizens and commerce of the area. Clarification is added to some sections to clarify the approval authority and to clarify use of existing plans from other regulatory agencies to meet County requirements. Flexibility in noise monitoring is added for operators with no noise violations over a set time period, and an environmental noise assessment is added as a requirement for operations adjacent to residential zones. Additional language is included to clarify requirements of hydrogeological reports and groundwater monitoring, and to clarify rehabilitation requirements for mineral extraction operations on agricultural lands of long-term commercial significance; and

16. Three definitions are added to Section 20.03.040 TCC – ‘Definitions’ to clarify existing and add new terms within the Mineral Extraction and Asphalt Production Code, Chapter 17.20 TCC; and

17. Chapter 20.30B TCC – ‘Designated Mineral Lands’ is amended to implement revisions to the Designated Mineral Lands Map of the Thurston County Comprehensive Plan that are adopted by resolution. Amendments as contained in this ordinance include a new section on applicability of the map for purposes of permitting mineral extraction, and include amendments to sections on designation process and criteria, application requirements, and other reference changes throughout the chapter. The amendments also remove the specific designation criteria from the Chapter 20.30B and reference the Thurston County Comprehensive Plan; and

18. The Special Use Chapter 20.54 TCC is amended as contained in this ordinance to implement revisions to the designation criteria for mineral lands of long-term commercial significance to allow for co-designation with agriculture as adopted by resolution, and to clarify permit review for mineral extraction operations; and

19. Chapter 20.60 TCC is amended as contained in this ordinance to change the name from ‘Violations and Enforcement’ to ‘Administrative Procedures’, which was included as item A-15 on the 2020-2021 Official Development Code Docket, and is also amended to correct the designation process of mineral lands, ensuring consistency with the Comprehensive Plan and the current process; and

20. The Board finds that the amendments as contained in this ordinance are necessary to ensure consistency with the Thurston County Comprehensive Plan, and are necessary for the preservation of the public health, safety, and general welfare of Thurston County residents; and

21. A determination of non-significance was issued by Thurston County under SEPA (Chapter 43.21C RCW) on September 23, 2020 for the changes contained in this resolution for the 2020 Comprehensive Plan Update (SEPA No. 2020100957). The SEPA comment period ended on October 7, 2020 with no public comments received. The SEPA appeal period ended on October 14, 2020 with no appeal of the determination received.

D. FINDINGS

RELATING TO 2020 COMPREHENSIVE PLAN UPDATE LONG-TERM FORESTRY ZONING MAP AMENDMENT

1. In 2017, the Board added the Comprehensive Plan Update to the 2017-2018 Official Comprehensive Plan Docket as Item CP-1. This item was maintained on the docket for the 2020-2021 cycle; and

2. The Board approved a Scope of Work for the Thurston County Comprehensive Plan Periodic Update on February 14, 2017 under Resolution 15436. In May 2019, management directed staff to approach the Comprehensive Plan Periodic Update using a core and continuing approach in an effort to complete mandatory core elements of the Comprehensive Plan as required under RCW 36.70A.070, and to allow for additional time of public review for a number of continuing items. The continuing items includes updates to mineral lands, long-term forestry, parks, and health; and

3. Thurston County conducted a review of the long-term forestry designation as part of the 2020 Comprehensive Plan Update. In a high-level aerial review of the outer perimeter of the current Long-Term Forestry designation, the County identified a total of 7 parcels +/- 173.52 acres (TPN 13816230200, 13816230000, 13816240000, 09880001002, 13822130100, 21621300100, and 21621200100) potentially inconsistent with the Long-Term Forestry designation; and

4. The County cross-examined each parcel or block of parcels with the current designation criteria, including land use, forest coverage, proximity of services, lot size, tract size, property tax classification, economic condition and forest grade, and history of permits nearby; and

5. Thurston County conducted extensive review with elected officials from 2017 through 2020, holding fourteen work sessions with the Planning Commission and sixteen meetings with the Board to review the 2020 Comprehensive Plan Update amendments. This review included review of the long-term forestry designation; and

6. The Planning Commission held a duly noticed public hearing on August 19, 2020 for the changes contained in this ordinance; and

7. On September 2, 2020, the Thurston County Planning Commission unanimously (6-0, three absent) recommended approval of the forestry amendments of the 2020 Comprehensive Plan Update as denoted in option F-2 (with all 7 parcels included); and

8. In formulating its recommendations, the Planning Commission considered public comments received through public hearings and the public process; and

9. On October 1 and October 15, 2020, the Board held work sessions to consider the amendments and review the Planning Commission recommendation and all other options; and

10. On November 24, 2020, the Board held a duly noticed public hearing on the amendment; and

11. Minimal public comment was received regarding the de-designation, land use amendment, and associated rezoning of the 7 parcels; and

12. The Board considered public testimony and recommendations by the Thurston County Planning Commission in light of GMA, including its goals, the Thurston County Comprehensive Plan, and other related plans; and

13. At work sessions following the public hearing on December 2 and December 9, 2020, the Board reviewed options and testimony from the public hearing and on December 9, 2020 provided direction (2-1) to amend the comprehensive plan and zoning map as in the Planning Commission recommendation, which removes all 7 parcels from the long-term forestry designation and amends the land use and zoning; and

14. The Board concurs with the Thurston County Planning Commission's recommendation for the reasons stated herein and the information provided during the public process; and

15. The 7 parcels do not meet all the designation criteria within the Thurston County Comprehensive Plan for forest lands of long-term commercial significance; and

16. The amendments include a reassessment of land use and zoning of the properties, and an amendment to change the land use and zoning designations from Long-Term Forestry (20.08D TCC) to Rural Residential Resource One Unit per Five Acres (20.09A TCC); and

17. The Board has found that it is appropriate to change the land use designation of the above described properties from their current land use designation, as implemented by resolution; and

18. Amendment to the current zoning designation establishes consistency between the current and future land use of the properties and zoning designations; and

19. A determination of non-significance was issued by Thurston County under SEPA (Chapter 43.21C RCW) on September 23, 2020 for the changes contained in this resolution for the 2020 Comprehensive Plan Update (SEPA No. 2020100957). The SEPA comment period ended on October 7, 2020 with no public comments received. The SEPA appeal period ended on October 14, 2020 with no appeal of the determination received.

SECTION 2. THURSTON COUNTY MINERAL EXTRACTION AND ASPHALT PRODUCTION CODE AMENDMENTS. In accordance with the provisions of this ordinance Chapter 17.20 TCC Mineral Extraction and Asphalt Production Code is hereby amended as shown in Attachment A to this Ordinance.

SECTION 3. THURSTON COUNTY ZONING ORDINANCE AMENDMENTS. In accordance with the provisions of this ordinance, Section 20.03.040 TCC 'Definitions', Chapter 20.30B TCC 'Mineral Lands Designation', Chapter 20.54 TCC 'Special Use', and Chapter 20.60 TCC 'Violations and Enforcement' of the Zoning Ordinance (Title 20 TCC) are hereby amended as shown in Attachment B to this Ordinance.

SECTION 4. RENAME VIOLATIONS AND ENFORCEMENT CHAPTER. In accordance with the provisions of this ordinance, Chapter 20.60 TCC 'Violations and Enforcement' is hereby renamed to 'Administrative Procedures', as shown in Attachment B to this Ordinance.

SECTION 5. LONG-TERM FORESTRY ZONING MAP AMENDMENTS. In accordance with the provisions of this ordinance, the Official Zoning Map, Thurston County Washington is hereby amended as shown in Attachment C.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this resolution or its application to any person is, for any reason, declared invalid, illegal

or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 7. CORRECTIONS. Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any map, mapped boundary, section, subsection, sentence, clause, phrase or other portion of this resolution for scriveners or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

SECTION 8. EFFECTIVE DATE. This ordinance shall take effect immediately upon adoption.

ADOPTED: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Clerk of the Board

Chair

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY

Vice-Chair

Travis Burns,
Deputy Prosecuting Attorney

Commissioner

ATTACHMENT - A: Mineral Extraction and Asphalt Production Code (Chapter 17.20 TCC)

Deleted Text: ~~Strikethrough~~ / Changes: Underlined / Unaffected Omitted Text: (...)

I. The Thurston County Code, Title 17 TCC (Environment), Chapter 17.20 TCC (Mineral Extraction and Asphalt Production Code) shall be amended to read as follows:

Chapter 17.20 - MINERAL EXTRACTION AND ASPHALT PRODUCTION

...

17.20.040 - Spill prevention.

- A. Each mineral extraction and asphalt plant operation shall have in effect a hazardous materials and petroleum products spill prevention, detection and clean-up plan. For applications submitted after the date of adoption, the plan shall be reviewed and approved as part of the special use permit process. For gravel mines and asphalt plants in existence on the date of adoption, the plan shall be submitted to the ~~health officer~~ designated authority for review and approval within one year of such date of adoption. If a spill prevention plan is required under the Department of Ecology for an NPDES or water quality general permit, that spill prevention plan may be submitted to the County for review and approval as part of the special use permit.
- B. Spill plans shall include an estimate of the types and quantities of hazardous material stored on site, as well as methods of spill prevention, detection, containment and clean-up of any and all hazardous materials or petroleum products possessed or stored on the mining or asphalt site. Such spill plans shall be reviewed by the ~~health officer~~ designated authority and shall be adequate to protect public health and safety. For these purposes, the mining or asphalt site shall not be limited to property under a department of natural resources reclamation permit, but shall include all contiguous property under the same ownership.
- C. A spill prevention plan which complies with Part 112 of Title 40 CFR or WAC 173-303-350 and which covers all petroleum products and hazardous materials possessed on the site is deemed to comply with the requirements of subsection (B) of this section.

17.20.050 - Fuel and hazardous materials.

- A. Above-ground or below-ground stationary tanks containing flammable or combustible liquids are subject to Chapter 14.32 and applicable state law. Both existing and newly permitted mines and asphalt plants are subject to the version of these standards in effect on the date of permit application.

Dec. 15, 2020

Ordinance Attachment A

- B. Reserved.
- C. Storage of fuel and hazardous materials is subject to applicable provisions of Thurston County Sanitary Code Article VI.
- D. Permanent on-site refueling stations shall be located outside the excavated area.
- E. Any fueling of stationary equipment on-site shall be accomplished with mobile tank vehicles.
- F. Fueling of mobile equipment and vehicles shall be conducted in accordance with an approved spill prevention plan provided in Section 17.20.040.
- G. Asphalt batch plants shall comply with fuel storage requirements specified above. Batch plants may incorporate ~~petroleum-contaminated soils~~ recycled materials into asphalt products if specifically permitted by the department of ecology and the ~~environmental health division~~ department.
- H. No solvents or solvent-based cleaners that are designated as a hazardous material as described in Chapter 173-303 WAC shall be used on or washed off equipment in ways that allow discharge to the environment, except for evaporation that is not in violation of other law. Vehicle and equipment maintenance shall be performed in accordance with an approved spill prevention plan provided in Section 17.20.040. For stationary equipment, the spill prevention plan shall include methods to prevent discharge of untreated wash water or leakage of petroleum products. Truck washing shall be conducted off-site when possible.

17.20.060 - Drainage and stormwater control.

- A. For applications submitted after the date of adoption, drainage shall be controlled in accordance with Chapter 15.05 TCC, the Drainage Design and Erosion Control Manual, or other applicable law. If no other standards apply, all drainage from the site of extractive operations or asphalt plants shall be controlled by dikes, barriers or drainage structures sufficient to prevent any silt, debris or other loose materials from filling any existing drainage course or encroaching on streets and adjacent properties or polluting any ground water.
- B. For gravel mines and asphalt plants in existence on the date of adoption, upon discovery of the discharge of pollutants to ground or surface waters, ~~the health officer~~ designated authority may require compliance with Chapter 15.05 TCC as necessary to remedy the discharge.

...

17.20.080 - Domestic water supplies.

If any gravel mining operation or asphalt plant causes the water quality of any domestic water supply to fail to meet the drinking water quality standards of WAC 246-290, as amended, the mine or asphalt plant owner shall remedy the effect of the operation on the water supply through

Dec. 15, 2020

Ordinance Attachment A

monetary payment to the water system owner, the provision of treatment methods and devices that are approved by the state department of health, or other correction of the specific water quality problem. This mitigation shall be approved by the ~~health officer~~ designated authority and the state department of health.

Note: See Thurston County Sanitary Code Article III for regulations governing drinking water wells.

...

17.20.110 - Noise.

- A. Noise levels shall comply with WAC 173-60. The operator shall ensure that noise levels are monitored by a technician with the qualifications contained in WAC 173-58, or acceptable qualifications as determined by the ~~health officer~~ designated authority, using instruments that meet the qualifications of WAC 173-58, at the property boundaries, at least quarterly after the initiation of the mining or other permitted activity. Monitoring shall be conducted during normal operating conditions and periods. The department may reduce the quarterly requirement for noise monitoring after 2 years of compliant noise monitoring with no violations. If there are more than two identified noise violations within 1 year, noise monitoring shall return to quarterly. Noise monitoring reports shall be provided to the health department and the community planning and economic development ~~resource stewardship~~ department. Mineral extraction and asphalt plant activity within the residential zoning districts of the county shall be considered a Class "A" EDNA pursuant to WAC 173-60-030 (2), the state noise standards. If the noise levels exceed the levels permitted by WAC 173-60, the health department or the ~~resource stewardship~~ community planning and economic development department may take any enforcement measures necessary to ensure compliance with WAC 173-60.
- B. The approval authority may require additional measures to control noise, such as placing rubber or urethane screens and liners or crushing and screening equipment, equipping loaders and dozers with ambient-sensitive back-up alarms, or muffling engine noise, if site conditions or the site's proximity to residential zoned properties or residential uses warrants them.
- C. In the event of a noise complaint, operators shall have up to 72 hours to identify the noise issue, and up to 60 days to identify action needed to correct the noise issue and develop an implementation plan for correction.
- D. All mineral extraction operations adjacent to a residential zone shall conduct an environmental noise assessment prior to permitting that identifies existing environmental noise. The assessment shall also identify potential operational noise, impacts, and mitigative measures.
- E. Noise monitoring reports shall be retained by the operator for a minimum of a 7-year period, and available upon request of the designated authority. Fees may be assessed for failure to provide noise monitoring reports.

Dec. 15, 2020

Ordinance Attachment A

...

17.20.140 - Rehabilitation and conservation requirements.

A. For mineral extraction applications filed after the date of adoption:

1. If a reclamation plan is not required by the Washington Department of Natural Resources (DNR), the applicant shall submit a rehabilitation plan in conjunction with the application for special use approval. The rehabilitation plan shall provide that rehabilitation activities, particularly those relating to control of erosion, shall, to the maximum extent feasible, be conducted simultaneously with surface mining. The rehabilitation plan shall also include measures to conserve topsoil onsite; interim reclamation for site stabilization, if necessary; post-reclamation erosion control measures; and a topographic map depicting the post-reclamation surface gradient.
2. Final contours shall reflect or harmonize with the natural contours of the adjacent land.
3. Rehabilitation shall include removal of all debris, temporary structures and stockpiles.
4. A layer of arable soil of sufficient depth to sustain grass, shrubs or trees shall be provided in those parts of the operation where required. The approval authority shall determine the appropriate restorative cover. Native grasses are preferred as a restorative cover where appropriate.
5. Water accumulating upon the site may be retained after the completion of such operation where the excavation cannot reasonably be drained by gravity flow; provided, that adequate provision shall be made to avoid stagnation, pollution and the danger of improperly controlled releases of such water from the site and danger to public, etc.
6. The rehabilitation plans shall be reviewed by the approval authority to insure compliance with all provisions of this chapter, and compatibility with relevant land use plans.
7. Plans may be amended from time to time by approval of the approval authority upon application by the owner.
8. Final rehabilitation shall conform to zoning regulations at the time of implementation.
9. For land that is co-designated as Long-Term Agriculture or Nisqually Agriculture, the land owner must secure from the Thurston Conservation District a certified conservation plan with a baseline analysis documenting standardized qualitative and quantitative evaluation of soils and a post-mining plan update. The baseline and post-mining soil survey shall include soil nutrient testing, measures of organic matter percentage, cation exchange capacity, pH, soil particle size, and available water capacity, plus a visual evaluation of soil health. Post-mining plans shall include the

Dec. 15, 2020

Ordinance Attachment A

same metrics with a goal of reclaimed soils being in the same range (or better) than on the baseline test.

~~9~~10. Rehabilitation shall be completed within two years from the date of completion or abandonment of the subject site or portion of the site.

B. Owners and operators of gravel mines not under DNR or county special use permit, whether or not in existence on the date of adoption, shall complete reclamation of exhausted or abandoned mines within two years after completion or abandonment of mining.

...

17.20.200 - Hydrogeological report.

If a hydrogeological report is required by Chapter ~~17.15~~ 24.10 TCC, the ~~approval authority may require the report to include any of the~~ following additional elements are required:

A. Groundwater elevation of uppermost saturated zone based on at least one year of water level data, including seasonal variations. Other reliable data may be employed upon approval by the ~~health officer~~ county hydrogeologist or designated authority;

B. Aquifer properties (whether confined or unconfined), such as but not limited to: hydraulic pressure, groundwater flow direction and velocity, recharge areas, and discharge areas of groundwater;

C. Source(s) and receptor(s) of physically available water, including:

i. The mine's water sources, including groundwater and surface water;

ii. Surface water such as creeks, rivers, lakes and wetlands receiving water from or affected by proposed activities; and

iii. Sensitive receptors, such as wetlands, habitat, lakes, streams, ponds affected by the proposed activities.

D. Identify and address impacts to existing water users, including:

i. Identification of all nearby water rights;

ii. Quantify a range in volume of water that may be affected by proposed activities;

iii. The requirements of section 17.20.200(D) are satisfied if the applicant/owner can show proof of a state issued water right permit that authorizes all water uses being proposed for the activity.

~~E.B.~~ Locations of existing wells within one thousand feet of the excavation boundary. Well information including well logs, static water level, well depth, well elevation, estimated withdrawal rate and other relevant information shall be included as it may be available;

~~F.C.~~ Description of effects including water quality and water level changes expected to occur in any of these existing wells as a result of mining activity;

Dec. 15, 2020

Ordinance Attachment A

- ~~G.D.~~ Proposed final depth of excavation;
- ~~H.E.~~ If proposed mining will intercept an aquifer, background water quality for iron (Fe), manganese (Mn), turbidity, nitrate (NO₃ expressed as N), total petroleum hydrocarbons, and water chemistry parameters related to the ability of silts and clays to settle from water shall be determined as part of the report. Additional water quality parameters may be required on recommendation by the ~~health officer~~ county hydrogeologist or designated authority if local conditions merit such inclusion. When adequate and reliable water quality background data exists it may be used by approval of the ~~health officer~~ county hydrogeologist or designated authority. If background water quality data does not exist, water quality background shall be based on methods acceptable to the department of ecology or be based on at least six sampling events of data generally collected once per month. The ~~health officer~~ county hydrogeologist or designated authority may accept other methods of determining background parameters if performed according to methods approved by the Environmental Protection Agency or the United States Geological Survey;
- ~~I.F.~~ An analysis of turbidity (for mineral extraction) and water chemistry (for mineral extraction and asphalt production) as related to the proposal. This includes a professional estimate of how far turbidity might be expected to be transported, based on overlying soil type, earth materials lateral to the mining activity, particle composition, pore sizes within the aquifer, the groundwater flow velocity, and the chemistry of the groundwater;
- ~~J.G.~~ Estimated effects of stormwater and process water-;
- K. Estimated cumulative effects on water quantity in the area downgradient and immediately surrounding the mineral extraction site;
- L. An adaptive management plan to address unexpected impacts to surrounding water users, groundwater, surface water, water quality, and wetlands or habitat. The plan, at a minimum, shall include description of a reporting system to alert responsibly officials;
- M. Identified areas where risk may exist and financial security such as bonds may be appropriate (see Chapter 20.54.070);
- N. Data collected for other agencies may be submitted and accepted at the discretion of the approval authority to fulfill these requirements;
- O. Other report elements relevant to the site's hydrogeology that may be required after review of the initial hydrogeological report submission.

17.20.210 - Groundwater monitoring.

Dec. 15, 2020

Ordinance Attachment A

- A. For those projects for which a hydrogeological report is required by Chapter ~~17.15~~ 24.10 TCC, a water quality monitoring system shall be devised and submitted to the ~~environmental health division~~ department for approval, and shall become part of the special use permit conditions. Monitoring wells, surface water sampling points, parameters and schedules for sampling shall be included. At a minimum, groundwater levels, surface water levels and the quality of both should be measured as a baseline collected monthly one water year in advance of initiation of permitted activities and regularly thereafter. Reports shall be submitted to the County hydrogeologist within 45 days of sampling. Water sampling may include on and off-site locations as required by the ~~health officer, county hydrogeologist or designated authority, including receptors such as supply wells, streams or rivers downgradient and immediately surrounding the mineral extraction site. The county hydrogeologist or designated authority may require specific timing, frequency, and distance of ground water and surface water monitoring based on time-of-transport, monitoring frequency, proximity to receptors, and other site conditions or practices.~~ Point of compliance as defined in WAC 173-200-060 shall be based on specifics of the site as determined from review of the hydrogeological report.
- B. If mining is permitted to be conducted in an aquifer, water sampling wells shall be monitored quarterly for water level and water quality. ~~Sampling frequency may only be reduced when two years of base line data have been accumulated.~~ Sampling parameters for exposed aquifers less than one acre in size shall be done semi-annually or as approved by the ~~health officer~~ county hydrogeologist or designated authority.
- C. Sampling frequency may only be reduced after two years of base line data have been accumulated and monitoring reports show consistency. Reduction in sampling frequency must be approved by the county hydrogeologist or designated authority.
- D. The owner/operator shall notify the County hydrogeologist or designated authority within five (5) days of a sudden change in water levels at monitoring locations.

...

ATTACHMENT - B: Thurston County Zoning Ordinance (Title 20)

Deleted Text: ~~Strikethrough~~ / Changes: Underlined / Unaffected Omitted Text: (...)

I. The Thurston County Code Chapter 20.03 TCC (Structure, Interpretation and Definitions) Section 20.03.040 (Definitions) shall be amended to read as follows:

...

2.5 “Adaptive Management Plan” means a plan which describes the process for necessary management decisions, but remains flexible to address uncertainties and unexpected impacts that may occur over time.

...

111.6 "Rehabilitation Plan" means a plan that identifies measures and steps needed to restore disturbed areas resulting from surface or underground mining to an appropriate future use. This plan may be required by the County when DNR does not require a reclamation plan.

111.67 "Repair and maintenance" means those activities associated with the routine care and upkeep of a structure, development, land use or activity.

111.78 "Repeater" means a small receiver/relay transmitter designed to provide service to areas that are not able to receive adequate coverage directly from the transmitting source.

111.89 "Replacement or total replacement" means the removal of more than fifty percent of the lineal footage of existing exterior ground floor walls.

...

145.3 A “Water Year” is defined as the 12-month period from October 1st through September 30th of the following year. The water year is designated by the calendar year in which it ends. Thus, the water year ending September 30, 2019 is called the "2019" water year.

...

II. The Thurston County Code Chapter 20.30B TCC (Designated Mineral Lands) shall be amended to read as follows:

Chapter 20.30B - DESIGNATED MINERAL LANDS

Sections:

20.30B.010 - Purpose.

This chapter establishes the requirements and procedures for ~~a mineral extraction site to receive designation as~~ designation of mineral resource lands of long-term commercial significance. The requirements and procedures are designed to conserve long-term commercially significant mineral lands and to minimize land use conflicts by allowing designation status only where a long-term mining operation would be compatible with surrounding land uses and by providing notification to surrounding property owners of the long-term nature of a designated mining operation. This chapter also provides increased protection to designated mineral extraction operations by limiting nuisance claims from neighboring property owners. Sites must be designated under this chapter before new mineral extraction activities may occur.

20.30B.015 – Applicability.

1. Excavation and processing of minerals is allowed only on mineral resource lands (MRL) of long-term commercial significance designated in the comprehensive plan, or mining claims officially recognized by the state or federal government and recorded with the auditor. Excavation and processing of minerals is allowed on undesignated lands under the following exceptions:
 - a. The extraction and processing of rock and gravel exclusively for forest practices shall be permitted in the Long-Term Forestry (LTF) zone, pursuant to chapter 76.09 RCW.
 - b. Existing, legally established non-conforming mineral operations will be allowed to continue subject to the provisions and requirements of chapter 20.54 TCC and 17.20 TCC.
 - c. Expansion of existing legally established and maintained mineral operations onto adjacent undesignated land, including within the 1,000-foot separation distance from an Urban Growth Area or a public park/preserve, when a portion of the existing site has been designated mineral resource land or the site is an existing legally established operation within the Urban Growth Area and is expanding outside of the Urban Growth Area. Any expansion of existing legally established mineral operations are subject to the provisions and requirements of the Thurston County Code at the time the department receives a complete permit application for expanded operations. Operators shall prove that mineral resources exist on the property prior to any expansion on undesignated lands is permitted. “Existing” as used in this provision means a mineral operation that is in existence prior to December 15, 2020.

Dec. 15, 2020

Ordinance Attachment B

- d. New or expanding mineral operations onto undesignated lands within 1,000-foot separation distance from a public park or preserve up to an existing barrier, when a portion of the operation is on a designated mineral resource land. A barrier as used in this provision is an active railroad, a public road, or an active industrial use. The operation may only apply for permitting on undesignated lands up to the barrier on the side of which the barrier borders the public park and preserve. The 1,000-foot separation distance still applies on all other sides without a barrier.
 - e. New or expanding mineral extraction operations proposing to operate within the undesignated 1,000-foot separation distance of a public park/preserve, when that public park/preserve was donated by a mineral extraction operator. The operator shall provide deed or other documentation showing donation of the parkland.
2. Designation as mineral resource lands in the Thurston County Comprehensive Plan is a pre-condition for submitting an application to the county to extract mineral resources on a specific site, unless as described in an exception under the subsection above.
20.30B.015(1) TCC.

If any amount of the parcel is mapped as a designated mineral resource land, then the whole parcel is considered eligible to apply for a mineral extraction permit, including any portion of the parcel which lies within the 1,000-foot separation distance from an Urban Growth Area or public park/preserve, subject to the provisions and requirements of the Thurston County Code at the time the department receives a complete permit application.

20.30B.020 - Designation of existing mineral lands.

~~Mineral extraction operations~~ Designated Mineral Resource Lands existing on the effective date of this chapter which meet the criteria established in the Thurston County Comprehensive Plan, Section 20.30B.030(1), and as shown on the map entitled, "Official Designated Mineral Resource Lands," on file with the county, are recognized as mineral resource lands of long-term commercial significance, and are hereafter referred to as designated mineral resource lands (MRL). ~~The precise boundaries of these designated lands are as indicated in the DNR permit associated with the land as shown on the table on this map.~~

20.30B.025 - Designation process for future mineral lands.

1. ~~No new or expanded~~ New or expansion of mineral extraction activities may be permitted by the County on sites not designated only if the operation meets criteria under 20.30B.015 TCC. ~~under the requirements of this chapter.~~ Nothing in this chapter shall be construed as preventing the ongoing operation of existing, permitted mines in Thurston County in accordance with their DNR and/or special use permit conditions. However, expansion of existing, permitted mineral extraction operations will require ~~designation pursuant to this chapter and will require~~ a new special use permit pursuant to Chapter 20.54 and are subject to the requirements of the Thurston County Code at the time the department receives a complete permit application for expanded operations. Legal

nonconforming mines are allowed to continue pursuant to any and all laws that apply to such mines.

2. The county will review individual designation applications through the Comprehensive Plan amendment process. The county will periodically update the Mineral Resource Lands Inventory map and the Designated Mineral Resource Lands map as specified in the Thurston County Comprehensive Plan.
3. Upon approval, all designated mineral resource lands shall be mapped on the "Official Designated Mineral Resource Lands" map and shall accompany the "Official Thurston County Zoning Map," on file in the County.
4. ~~In addition to the mapping requirements, mineral resource lands designation shall be provided as a written statement of the actual survey corners of the land being designated.~~

20.30B.030 - Designation criteria.

1. Criteria for Designation. A ~~mineral extraction~~ site may be designated as mineral resource lands if it meets all of the following criteria:
 - a. The site must be mapped in the Mineral Resource Inventory and contain nonstrategic minerals which are minable, recoverable, and marketable under the technologic and economic conditions that exist at the time of application for designation or which can be estimated to exist in the foreseeable future as determined by a licensed professional geologist. In determining whether minerals are minable, recoverable, and marketable, the county will consider the guidelines in Washington Administrative Code Section 365-190-070, as amended.
 - b. The site must meet the minimum designation criteria for mineral resource lands in the Thurston County Comprehensive Plan.
 - ~~b. At least sixty percent of the area within one thousand feet of a site must have parcels five acres in size or larger at the time of the application for designation (see Appendix Figure 18) excluding parcels less than five acres in size owned by the applicant.~~
 - ~~c. An area proposed for mineral resource lands designation shall be at least five acres.~~
 - ~~d. The site shall be separated by a distance of at least one thousand feet from public preserves, which include parks, national wildlife refuges, state conservation areas, wildlife areas, and other government-owned preserves, but excluding exclusive hunting areas. In addition, designated mineral resource lands shall be at least one thousand feet from urban growth areas.~~
 - ~~e. Designated mineral resource lands may include lands designated for long-term forestry.~~
 - ~~f. Critical Areas: Critical areas will be examined at the time of designation review using the county's geographic information system. The applicant may be required to provide detailed information (such as a wetland delineation, habitat evaluation, or geotechnical~~

~~report) prepared by a qualified expert to clarify county mapping of critical areas. A more comprehensive critical areas review will be done at time of permitting.~~

- ~~i. Mineral resource lands shall not be designated within the Zone 1 (one-year) or Zone 2 (five-year) horizontal time of travel boundaries for any Group A public water system.~~
- ~~ii. Mineral resource lands shall not include category (class) one (1) or two (2) wetlands or their protective buffers, but may include category (class) three (3) and four (4) wetlands.~~
- ~~iii. Mineral resource lands shall not include agriculture lands of long term commercial significance, or historical/cultural preservation sites, and any Federal Emergency Management Agency (FEMA) one hundred-year floodplain.~~
- ~~iv. Mineral resource lands shall not include habitats of primary association to species listed as endangered or threatened under the Endangered Species Act or state law and their buffers as established by the critical areas ordinance at the time of designation.~~
- ~~v. Mineral extraction activities shall not negatively affect nor endanger surface and ground water flows and quality.~~
- ~~vi. Mineral resource lands shall be located away from geologically hazardous areas such as marine bluffs, the bluff area in the Nisqually Hillside Overlay, or areas that would cause a public safety hazard, but may include steep and/or unstable slopes as provided by the critical areas ordinance.~~

20.30B.04035 - Application requirements.

1. An application for designation or removal shall be filed with the department as a comprehensive plan amendment, ~~and shall include:~~
 - a. Application for designation or removal shall be accompanied by the requirements listed in the Thurston County Comprehensive Plan.
 - b. Associated fees may be charged for applications outside of the Mineral Resource Lands update cycle.
 - ~~a. A report and any associated maps developed by a licensed geologist to provide evidence of the marketability and threshold value of the mineral deposit.~~
 - ~~b. A map at a scale of one inch equals eight hundred feet or greater of the project site and surrounding area, including the area within one thousand feet of the site, and which shows parcel boundaries, adjacent land uses and zoning, and known critical areas and their type or class, if known, as defined in Title 24 TCC or Chapter 17.15 TCC to demonstrate that the requirements of this chapter have been complied with.~~

~~20.30B.040 – Removal of designation status.~~

- ~~1. The property owner may file an application for removal of designated mineral resource lands with the department. The application shall be reviewed by the board of county commissioners which may grant the application if one or more of the following conditions exist:
 - ~~a. The mineral resource is depleted to a point that it is no longer economically feasible to continue mining on the site.~~
 - ~~b. Market conditions have changed to such a degree that it is no longer economically feasible to continue mining on the site.~~
 - ~~c. Conditions in the surrounding area have changed to such a degree that the site no longer meets the criteria for designation in Section 20.30B.030.~~~~
- ~~2. Removal of designation by the board of county commissioners will be processed as a comprehensive plan amendment during the next available amendment cycle. No fee will be charged to the applicant for designation removal.~~

20.30B.050 - Mineral extraction protection.

1. For purposes of this section, a site is a protected, legally operating mine when it meets the following requirements:
 - a. The site is designated as mineral resource lands OR, the site is on undesignated lands and meets the criteria under 20.30B.015 TCC;
 - b. The extraction operation has a valid special use permit;
 - c. The extraction operation is carried out in accordance with governing law and any applicable best management practices;
 - d. The extraction operation does not have any substantial adverse effect on the public health or safety; and
 - e. The site obtained designation status before the notice under Chapters 18.04, 14.17, 14.18 ~~14.20~~ or 14.44 TCC was given.
2. An owner or occupier of real property for which notice has been given pursuant to Chapters 14.17, 14.18 ~~14.20~~, 14.44 or 18.04 TCC may not be limited in bringing a private nuisance claim against a protected, legally operating mine.

20.30B.055 - Designation is not a permit.

Designation as mineral resource lands does not imply that mineral extraction will be permitted on the site. All proposed mineral extraction operations are subject to special use permitting requirements of Chapter 20.54, the mineral extraction code requirements of Chapter 17.20, associated environmental review and all other applicable laws. The presence of critical areas on the site may prohibit or restrict mineral extraction operations.

Dec. 15, 2020

Ordinance Attachment B

III. The Thurston County Code Chapter 20.54 TCC (Special Use) shall be amended to read as follows:

Chapter 20.54 – SPECIAL USE*

Sections:

...

Table 1

Special Uses—Distribution in County Zoning Districts

Uses listed below are prohibited unless specifically identified as allowable through special use review, or unless listed as a permitted or primary use within an individual zoning district chapter.

USE		R 1/ 20	R 1/ 10	R R 1/ 5	R R 1/ 5	U R 1/ 5	R L 1/ 2	R L 1/ 1	R L 2 /1	R 3 — 6 /1	R 4 — 16 /1	L I	R R I	P I	N C	R C C	A C	H C	S L 1	M G S A 2	L T A	N A	L T F	P P	M R	A O D
	...																									
21.	Mineral extraction	X	X	X	X		X	X				X	X			X					<u>X</u>	<u>X</u>	X		X	
	...																									

...

20.54.070 - Use—Specific standards.

The following standards apply to specific special uses and are in addition to those established in other sections of this chapter. The zoning districts in which a special use is authorized are identified in Table 1.

...

3.1 Asphalt Production. Asphalt plants (hot mix or batch plants) are subject to the following provisions:

Dec. 15, 2020

Ordinance Attachment B

Deleted Text: ~~Strikethrough~~

Proposed Changes: Underlined

Unaffected Omitted Text: (...)

- a. Setbacks. The emissions point source at an asphalt plant shall be separated by a distance of at least five hundred feet from public parks and public preserves, which include parks, regional trails, national wildlife refuges, state conservation areas, wildlife areas, and other government owned preserves, or three hundred feet from the boundary of any residential zoning district with an existing or zoned density of greater than one dwelling unit per five acres, urban growth areas, and any residential lot less than one acre in size.
- b. Asphalt plants are allowed in the rural resource industrial (RRI), light industrial (LI), and rural residential resource one dwelling unit per five acres (RRR1/5) zoning designations or within a permitted gravel mine located within selected zoning designations as reflected in Table 1. Existing asphalt plants located within a permitted mineral extraction use area may apply for a new special use permit when the extraction activity ceases.
- c. The location of asphalt plants shall be consistent with the Thurston County Comprehensive Plan, which includes, but is not limited to, sub-area plans.
- d. Prior to commencing operation, the asphalt plant operator shall provide evidence to the county that the facility has received coverage under the state's National Pollution Discharge Elimination Systems (NPDES) general permit applicable to asphalt plants, unless it provides written confirmation of an exemption from the agency with jurisdiction over such permit.
- e. Asphalt plants shall provide necessary space to accommodate delivery trucks on the site.
- f. Asphalt plants shall have County approved haul routes.
- g. The source of Recycled Asphalt Pavement (RAP) shall only be from highways, roadways, runways, parking lots and shall not be from a contaminated site such as a Superfund site or Model Toxic Control Act (MTCA) site. The asphalt plant operator shall provide semiannual reports to the county documenting the source of all recycled asphalt pavement brought to the production site.
- h. Asphalt plants shall comply with the requirements and best management practices of the Thurston County Drainage Design and Erosion Control Manual, as amended.
- i. Asphalt plants shall be fueled by natural gas, propane, or an alternative fuel with the same or less hazardous emissions or waste as natural gas or propane.
- j. The operation shall obtain and maintain a solid waste permit from Thurston County environmental health for operations that recycle asphalt.
- k. Asphalt plants shall meet all applicable requirements of Chapter 17.20 TCC, Mineral Extraction and Asphalt Production.
- l. For operations that process and store Recycled Asphalt Pavement (RAP) within the Nisqually Subarea, operators shall employ best management practices to mitigate

leachate by providing covered storage of processed/recycled asphalt stockpiles. Specific practices will be determined through the site-level permit review process, but may include tarping, storage sheds, or other methods.

...

21. Mineral Extraction. Mineral extraction (including expansions of existing conforming and legal nonconforming mines) and their accessory uses are subject to the following provisions and the provisions of Chapter 17.20 of this code, the Thurston County Mineral Extraction Code:

a. Accessory Uses.

- i. The following accessory uses are allowed only when expressly permitted in a special use permit issued by the approval authority: washing, sorting or crushing of rock or gravel, concrete batching, storage or use of fuel, oil or other hazardous materials, and equipment maintenance. Limited manufacturing of concrete products from sand and gravel excavated on-site may be allowed by the department as an accessory use to a permitted concrete batching facility; provided, that retail sales of such products are prohibited. All other accessory uses are allowed only when approved after administrative review by the department.
- ii. Accessory uses are permitted only in conjunction with an existing mineral extraction operation. The permit for the accessory use expires when the SUP for the mineral extraction expires, is revoked, or when significant mineral extraction activity as defined in Section 17.20.150 ceases. Recycling of concrete is permitted as an accessory use only in conjunction with a permitted crusher and in accordance with any health department requirements.

b. Reports. Copies of any reports or records, except financial reports, required to be submitted to federal, state, regional or county officials or agencies pursuant to any laws or regulations shall be made available to the county upon request. Information required shall be limited to that pertaining to operations within Thurston County. The public disclosure of such information shall be governed by applicable law. The operator shall keep a record of the source of any asphalt, concrete or soils imported from off-site and stored on-site.

c. Application and Review Procedures. In addition to the information required in Chapter 20.60 of this code, the application to the county for a special use permit for mineral extraction shall include:

- i. A contour map, drawn to the scale of one hundred feet to the inch and contour intervals of two feet, or at a scale and topographic interval determined to be adequate by the department. The map must show current field topography, including the location of water courses of the tract intended for the proposed operation and estimated thickness of overburden and mineral-bearing strata in the tract intended for the proposed operation;

- ii. The rehabilitation and conservation plans described in Section 17.20.140 of this code;
 - iii. A list of all proposed activities anticipated or planned to occur on the site, including but not limited to the method of mineral extraction, washing, sorting, crushing, concrete batching, equipment maintenance, or any activity that could result in a potential, significant, adverse environmental impact;
 - iv. A preliminary drainage plan in accordance with Chapter 15.05 of this code;
 - v. A copy of the applicant's DNR reclamation permit application, as required by RCW 78.44.080.
- d. Bonds. In cases where rehabilitation requirements of the county exceed those of the Department of Natural Resources, a performance bond may be required in an amount to be sufficient to insure rehabilitation in accordance with the plan submitted pursuant to Section 17.20.140 of this code, subject to applicable law. With the approval of the county and for such period or periods as may be specified, the owner may be permitted to post its own bond without corporate surety.
- e. Permit Review. Any permit issued pursuant to this chapter shall be reviewed by the approval authority no less frequently than every five years from the date of the decision to approve the permit. The approval authority shall determine the frequency of permit review. All conditions of the permit will be reviewed at the five-year review to evaluate that operations are in compliance with permit conditions. If it is determined that the operation is not in compliance with permit conditions, measurements may be taken to bring the operation into compliance, as deemed necessary by the approval authority.~~The director may authorize a reasonable~~ A fee for this review will be assessed. ~~At the time of such review, the approval authority may impose additional conditions upon the operation if the approval authority determines it is necessary to do so to meet the standards of this chapter, as amended.~~
- f. Designated Mineral Lands Status. In accordance with the Thurston County Comprehensive Plan and Chapter 20.30B, an application for designation as mineral resource lands of long-term commercial significance may accompany an application for a special use permit for mineral extraction. Refer to Chapter 20.30B and the Thurston County Comprehensive Plan for requirements.

...

IV. The Thurston County Code Chapter 20.60 TCC (Violations and Enforcement) shall be retitled to “Administrative Procedures”, and shall be amended to read as follows:

Chapter 20.60 – ~~VIOLATIONS & ENFORCEMENT~~ ADMINISTRATIVE PROCEDURES

Sections:

...

20.60.020 - Application review procedures.

...

Table 2

Permit Review Matrix

Thurston County Zoning Ordinance

Permit/Review	Staff/ Director	Hearing Examiner (open hearing)	Planning Commission (open hearing)	Board of County Commissioners (closed hearing)	Review Process Timeline			
					Type I	Type II	Type III	Type IV
...								
Designation of future mineral resource lands (<u>reviewed as a comprehensive plan amendment</u>)	R	Ð	<u>R</u>	A <u>D (open hearing)</u>			✓	<u>✓</u>
Removal of designated mineral resource lands status (<u>reviewed as a comprehensive plan amendment</u>)	R	Ð	<u>R</u>	A <u>D (open hearing)</u>			✓	<u>✓</u>
...								

...

Dec. 15, 2020

Ordinance Attachment B

ATTACHMENT C:

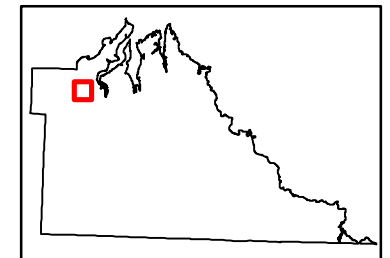
**MAP AMENDMENTS TO THE
OFFICIAL ZONING MAP,
THURSTON COUNTY, WA**

THURSTON COUNTY COMPREHENSIVE PLAN 2020 UPDATE

Amendments to NW Detail of
Official Zoning Map of Thurston
County, Washington
to implement changes to the Thurston County
Comprehensive Plan

- LTF
- Long-Term Forestry
- RRR 1/5
- Rural Residential/Resource
1 Unit Per 5 Acres
- R 1/20
- Rural 1 Unit Per 20 Acres
- Areas of removal from LTF
designation, with land use
amendment and associated rezoning
from LTF to RRR 1/5
- Parcels
- Streams
- Major Roads

0 0.1 0.2 0.3 0.4 0.5 Miles



Thurston County makes every effort to ensure that this map is a true and accurate representation of the work of County Government. However, the county and all related personnel make no warranty, express or implied, regarding the accuracy, completeness or convenience of any information disclosed on this map. Nor does the County accept liability for any damage or injury caused by the use of this map.

To the fullest extent permissible pursuant to applicable law, Thurston County disclaims all warranties, express or implied, including, but not limited to implied warranties of merchantability, data fitness for a particular purpose, and non-infringements of proprietary rights.

Under no circumstances, including, but not limited to negligence, shall Thurston County be liable for any direct, indirect, incidental, special or consequential damages that result from the use of, or the inability to use, Thurston County materials.

Community Planning and
Economic Development
Date: 02/06/2020 - ERP

Parcel 13816230000
Amend the Comprehensive Plan
Maps to remove from LTF designation,
and amend land use and associated
zoning from LTF to RRR 1/5















Parcel 13816240000
Amend the Comprehensive Plan
Maps to remove from LTF designation,
and amend land use and associated
zoning from LTF to RRR 1/5

Parcel 13816230200
Amend the Comprehensive Plan
Maps to remove from LTF designation,
and amend land use and associated
zoning from LTF to RRR 1/5

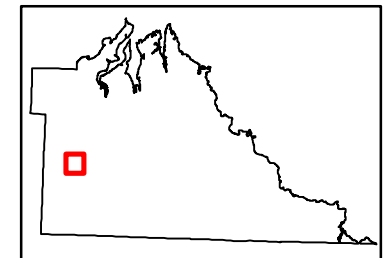
Parcel 13822130100
Amend the Comprehensive Plan
Maps to remove from LTF designation,
and amend land use and associated
zoning from LTF to RRR 1/5

THURSTON COUNTY COMPREHENSIVE PLAN 2020 UPDATE

Amendments to NC Detail of
Official Zoning Map of Thurston
County, Washington
to implement changes to the Thurston County
Comprehensive Plan

-  LTF
-  Long-Term Forestry
-  RRR 1/5
-  Rural Residential/Resource
-  1 Unit Per 5 Acres
-  PP
-  Public Parks, Trails & Preserves
-  Areas of removal from LTF
-  designation, with land use
-  amendment and associated rezoning
-  from LTF to RRR 1/5
-  Parcels
-  Streams
-  Major Roads

0 0.1 0.2 0.3 0.4 0.5 Miles



Thurston County makes every effort to ensure that this map is a true and accurate representation of the work of County Government. However, the county and all related personnel make no warranty, express or implied, regarding the accuracy, completeness or convenience of any information disclosed on this map. Nor does the County accept liability for any damage or injury caused by the use of this map.

To the fullest extent permissible pursuant to applicable law, Thurston County disclaims all warranties, express or implied, including, but not limited to implied warranties of merchantability, data fitness for a particular purpose, and non-infringements of proprietary rights.

Under no circumstances, including, but not limited to negligence, shall Thurston County be liable for any direct, indirect, incidental, special or consequential damages that result from the use of, or the inability to use, Thurston County materials.

Community Planning and
Economic Development
Date: 02/06/2020 - ERP

Parcel 09880001002
Amend the Comprehensive Plan
Maps to remove from LTF designation,
and amend land use and associated
zoning from LTF to RRR 1/5

CREEK

WADDELL CREEK RD SW

MIMA











CREEK

BORDEAUX RD SW

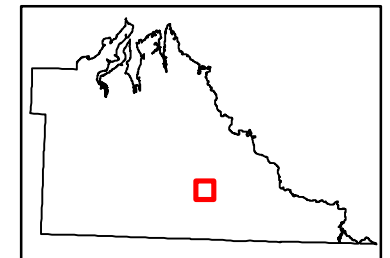
MIMA RD SW

THURSTON COUNTY COMPREHENSIVE PLAN 2020 UPDATE

Amendments to SC Detail of
Official Zoning Map of Thurston
County, Washington
to implement changes to the Thurston County
Comprehensive Plan

-  LTF
-  Long-Term Forestry
-  RRR 1/5
-  Rural Residential/Resource
1 Unit Per 5 Acres
-  PP
-  Public Parks, Trails & Preserves
-  Areas of removal from LTF
designation, with land use
amendment and associated rezoning
from LTF to RRR 1/5
-  Parcels
-  Streams
-  Major Roads

0 0.1 0.2 0.3 0.4 0.5 Miles



Thurston County makes every effort to ensure that this map is a true and accurate representation of the work of County Government. However, the county and all related personnel make no warranty, express or implied, regarding the accuracy, completeness or convenience of any information disclosed on this map. Nor does the County accept liability for any damage or injury caused by the use of this map.

To the fullest extent permissible pursuant to applicable law, Thurston County disclaims all warranties, express or implied, including, but not limited to implied warranties of merchantability, data fitness for a particular purpose, and non-infringements of proprietary rights.

Under no circumstances, including, but not limited to negligence, shall Thurston County be liable for any direct, indirect, incidental, special or consequential damages that result from the use of, or the inability to use, Thurston County materials.

Community Planning and
Economic Development
Date: 02/06/2020 - ERP

Parcel 21621300100
Parcel 21621200100
Amend the Comprehensive Plan
Maps to remove from LTF designation,
and amend land use and associated
zoning from LTF to RRR 1/5

RIVER

DESCHUTES

JOHNSON CREEK RD SE

STATE HWY 507 SE/SR 507

RAIL CUT-OFF SE