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**RESOURCE STEWARDSHIP DEPARTMENT**

*Creating Solutions for Our Future*

Joshua Cummings,  
Interim Director

**MEMORANDUM (2)**

**TO:** Planning Commission

**FROM:** Maya Bühler, Associate Planner

**DATE:** October 12, 2017

**SUBJECT:** Comprehensive Plan Update - Mineral Resource Lands: Response to PC Questions

The information in this memorandum is a follow-up to the June 21, 2017, Planning Commission meeting on Mineral Resource Lands Inventory and Designation. Information regarding background and history, the mineral resource lands inventory and classification process, and initial designation criteria can be found in the June 15, 2017, memorandum.

Under the Growth Management Act, Thurston County is required to designate mineral resource lands of long-term commercial significance as part of its Comprehensive Plan (RCW 36.70A.170). This designation must be reviewed as part of the periodic Comprehensive Plan update (RCW 36.70A.131).

Mineral resource lands include areas where geology and other factors may support the commercial extraction of minerals, including sand, gravel, and metals.

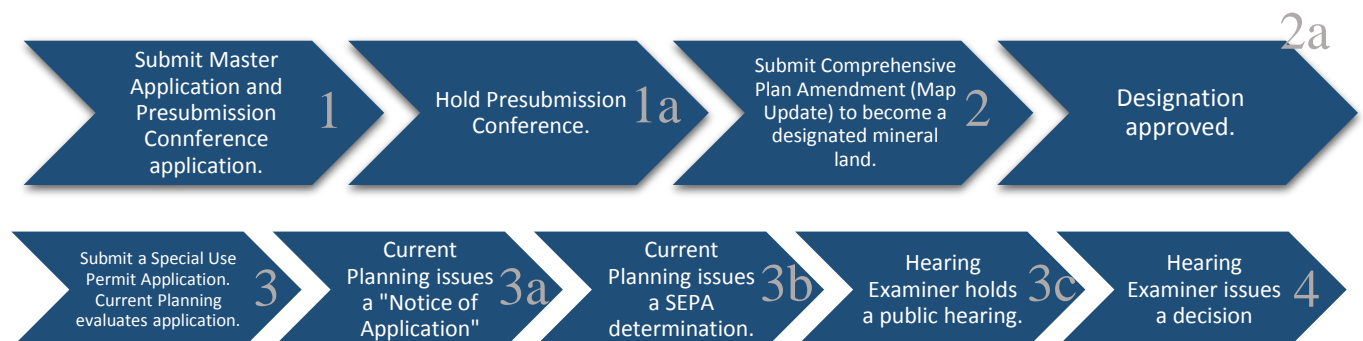
**Current Process for Mineral Resource Lands Designation and Permitting**

The current process for new mining operations in Thurston County is as follows:

1. Submit a Master Application and a Presubmission Conference Application (required under *TCC 24.54.060*).
  - a. This is an informal meeting between staff and the applicant. No decisions are made, and public comment is limited to the applicant and advisors.
  - b. This process may refine or filter applications for new mining operations.
2. Submit an application for a comprehensive plan amendment (map amendment) to become a designated mineral land (*TCC 20.30B.025*). (May be done concurrently with 3,

but applicants generally choose to go through designation process (2) beforehand and then proceed with mining operation permits (3).

- a. Currently, the comprehensive plan amendment process is tasked to Long Range Planning. Plan amendments are requested annually through the docketing process. Minor amendments may take a year or less, but more complicated amendments may take multiple years and can be carried over to subsequent dockets. All suggested amendments are included on a preliminary docket, which is subject to an initial public comment period. The Board of County Commissioners then decides on the Official Docket. The Official Docket is forwarded to the Thurston County Planning Commission. Each docket item goes through subsequent individual review and analysis, including public hearings before the Planning Commission and Board of County Commissioners, before a final decision is made (*Ord. No. 14402, 9-7-2010*).
  - b. Prior to 2010, the process of mineral resource lands designation was routed to the Hearing Examiner. This process was generally shorter than the current process, taking approximately 6 months. The Hearing Examiner holds a public hearing and may issue formal decisions or make recommendations to the Board of County Commissioners. Decisions by the Hearing Examiner are subject to appeal to the Board of County Commissioners.
3. Submit a Special Use Permit Application, which is evaluated by Current Planning through SUP Standards (*TCC 20.54.070(21)*), the Mineral Extraction Code (*TCC 17.20*), and the Comprehensive Plan. The Special Use Permit Application is subject to three points of public notice:
    - a. Notice of Application,
    - b. SEPA Determination, and
    - c. Public Hearing under the Hearing Examiner.
  4. Hearing Examiner issues a decision to approve or deny an application after the hearing. A decision under the Hearing Examiner has two options: 1) reconsideration by the Hearing Examiner (if not permitted due to a SEPA threshold determination), or 2) appealable to the Board of County Commissioners.



**Table 1: Designation under Comprehensive Plan Amendment (BoCC) vs. Hearing Examiner (HE)**

<b>Comprehensive Plan Amendment</b>	<b>Hearing Examiner</b>
<i>Designation addressed through the comprehensive plan amendment process, prior to submission of a special use permit (Ord. No. 14402, 9-7-2010).</i>	Designation addressed at the same time as the Special Use Permit application. Hearing Examiner has authority.
<p style="text-align: center; writing-mode: vertical-rl; transform: rotate(180deg);"><b>General Docket Process</b></p> <ol style="list-style-type: none"> <li>1. Applicant files application for comprehensive plan amendment (map change).</li> <li>2. Board identifies and reviews preliminary docket.</li> <li>3. 20-day written comment period on the preliminary docket.</li> <li>4. Board reviews written comments.</li> <li>5. Board give direction on proposed docket.</li> <li>6. Develop final official docket.</li> <li>7. Final Docket submitting for adoption.</li> <li>8. Official Docket adopted.</li> </ol>	<ol style="list-style-type: none"> <li>1. Applicant files special use application for new mining operation.</li> <li>2. Department reviews application for completeness.</li> <li>3. Review clock begins (120 days); department may request additional information. Department to make decision on completeness within 14 days of submittal of additional information.</li> <li>4. Notice of application mailed out within 9 calendar days of application being deemed complete.</li> <li>5. Public Comment period in response to notice of application.</li> <li>6. With exception of determination of significance, the department shall not issue a SEPA threshold</li> </ol>
<p style="text-align: center; writing-mode: vertical-rl; transform: rotate(180deg);"><b>Planning Commission Process</b></p> <ol style="list-style-type: none"> <li>1. Staff Review Draft Amendments.</li> <li>2. Planning Commission Review of draft amendment.</li> <li>3. Planning Commission Public Hearing.</li> <li>4. Planning Commission Recommendation to the Board.</li> <li>5. SEPA Determination; Commerce 60-Day Review; Sent to Board for Review.</li> </ol>	<p>determination of issue a decision on the application until the expiration of the public comment period on the notice of application. The department may combine the comment period for determination of non-significance with comment period of notice of application.</p>
<p style="text-align: center; writing-mode: vertical-rl; transform: rotate(180deg);"><b>Board of County Commissioners Process</b></p> <ol style="list-style-type: none"> <li>1. Board Review Planning Commission Recommendation.</li> <li>2. Board Briefing.</li> <li>3. Board Public Hearing.</li> <li>4. Board Briefing and direction.</li> <li>5. Draft Ordinance with proposed amendments to the comprehensive plan. Requires legal review.</li> </ol>	<ol style="list-style-type: none"> <li>7. Department issues threshold determination.</li> <li>8. Public notice at least 10 days prior to Hearing Examiner public hearing. Public hearing held within 120 days of letter of complete application.</li> <li>9. Hearing Examiner shall approve, approve with conditions, or deny the application.</li> </ol>

6. Board decision.	10. Notice of decision.
7. Notice of Adoption.	

### Current Criteria for Designation vs. 2003 Task Force

A Mineral Lands Task Force was established by the Board in the fall of 2003 to address emerging concerns with the location of sand and gravel mines and asphalt plants in Thurston County. This Task Force consisted of eleven members from mining and asphalt industries, municipalities, environmentalists and the general citizenry, as well as a facilitator. The first Mineral Lands Task Force meeting was held January of 2004, and then every two weeks for five months. The Task Force met 11 times and developed recommendations on designation criteria for mineral lands.

Recommendations from the Mineral Lands Task Force on where mining should be permitted included:

- Mine locations should not be confined to a certain area of the county, and may be located throughout the County given certain criteria. *(unanimous)*
- New special use permits for mineral extraction are prohibited outside designated mineral lands. *(unanimous, with one voter preferring an exception that small mines of limited duration may be permitted outside designated lands, so long as there is a reclamation plan)*
- Irrespective of the new designation criteria, that portion of sand and gravel mines that are currently designated as mineral lands of long-term commercial significance and have an SUP and/or DNR Surface Mining Reclamation Permit shall remain designated. *(unanimous)*

Recommendations on the designation process included:

- The County must map the location of high quality gravel in Thurston County. *(unanimous)*
- Based on the mapped gravel and application of designation criteria, the County should eventually map all mineral lands of long-term commercial significance. *(unanimous)*
- The Board, not the Hearing Examiner, should designate mineral lands of long term commercial significance through an annual Comprehensive Plan amendment process. *(10 for; 1 against wanted to restrict designation to every 7 years during the GMA periodic update of the Comprehensive Plan)*
- Designation should be done in a two-pronged process 1) County designates areas of the best gravel in a legislative process, and 2) owner-applicants can also apply for designation by the Board of specific sites that meet designation criteria. *(10 for)*
- There should not be a cap on the amount of designated mineral land of long-term significance. *(6 for; 4 for with reservations; 1 against)*

Recommendations on the designation criteria included:

- Forest lands of long-term commercial significance may be co-designated as mineral lands of long-term commercial significance, provided that there is no net loss in forest lands of long term commercial significance. *(unanimous)*

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- Agricultural lands of long-term commercial significance may not be co-designated as mineral lands of long-term commercial significance. *(unanimous)*
- Mineral lands of long-term commercial significance may contain Class 3 and 4 wetlands, but not Class 1 or 2 wetlands and their protective buffers. *(7 for; 2 for but with alternative language; 2 against)*
- Designated mineral lands may not be located within 100-year floodplains. *(unanimous)*
- Public preserves, including national wildlife refuges, state conservation areas, wildlife areas, and other-government-owned preserves, but excluding hunting areas, should be separated from designated mineral lands by a distance of 1,000 feet. *(9 for; 3 for but with alternate distance)*
- The 1990 \$-value criteria for designation should be eliminated. *(unanimous)*
- Historical/cultural preservation sites should be excluded from designated mineral lands of long-term commercial significance. *(unanimous)*
- Residential density should be a consideration in designation, using a three-tiered “test” as follows:
  - o Test 1 – Mineral lands of long term commercial significance may only be designated in residential zoning districts with a density of 1 unit per 5 acres or less. *(unanimous)*
  - o Test 2 – At least 60% of the area within 1,000 feet of a designated mineral lands site must have parcels larger than 5 acres in size at the time of application for designation. *(9 for; 1 with alternative language)*
  - o Test 3 – Designated mineral lands shall be separated by a distance of at least 500 feet from the boundary of any residential zoning district that has a density greater than 1 dwelling units per 5 acres. *(9 for; 2 against)*
- The minimum site size for a gravel mine within designated mineral land of long term commercial significance is 5 acres in area and a minimum area width of 500 feet. *(unanimous)*
- Designated mineral lands of long-term commercial significance may include important habitats and species. Potential impacts to these areas will be evaluated at the permitting stage. *(majority against; 3 voted for, with 2 additional “maybes”)*
- Designated mineral lands of long-term commercial significance may include wellhead protection areas, critical aquifers, and other critical areas not excluded by the criteria above. Potential impacts will be evaluated at the permitting stage. *(10 for; 1 against- do not include wellhead protection areas; 1 against- do not include areas determined by a hydro-geologist study to be critical aquifer recharge areas)*

Recommendations were also made on the location criteria for permitting asphalt plants, and the permit process and conditions for asphalt plants.

### **Current Mining Operation Numbers**

Using the current Amanda database and a geodatabase from DNR (retrieved July 19, 2017), there are 32 recorded active mining operations within Thurston County, and 60 inactive mining operations in Thurston County.

Table 2 shows the number of mining operations within Thurston County and during what time period they were permitted. Dates indicate the permit start date from DNR. Permitting began in 1971, and therefore several mines were pre-existing and entered in at this time. On October 17, 2003 the Board of Commissioners placed a moratorium on new designations of mineral lands, pending a review of criteria. In September of 2010, as a part of that review, the designation process was changed from the Hearing Examiner to the Board of County Commissioners. After this change, there was one subsequent permitted new mine: Columbia Vail Quarry in 2015.

**Table 2: New Mining Operations Permitted During Time-Periods**

Time period	Number of Mines Permitted		
	Active	Inactive	Total
Prior to 1971	3	13	16
1971-10/17/2003	26	47	73
10/17/2003-9/7/2010	2	0	2
9/8/2010-current	1	0	1
<b>Total</b>	32	60	92

*Data retrieved: July 19, 2017 from Washington DNR*

**Mineral Resource Lands Designation: Zoning versus Overlay**

The Planning Commission requested during the June 21, 2017, work session on mineral lands for county staff to research mineral lands as an overlay versus as a zoning district and examine how other counties handle designation. Table 3 identifies how mineral resources are handled in different counties.

**Table 3: Mineral Lands Designation as an Overlay versus Zoning District**

County	Overlay	Zoning District	Update Process (MRL)
<i>Thurston</i>	Mineral Resource Lands	Long Term Forestry; Long Term Agriculture	Comp Plan Amendment
<i>Mason</i>	Mineral Resource Lands	Long Term Commercial Forestry; Agricultural Resource Lands	Comp Plan Amendment
<i>Pierce</i>	Mineral Resource Lands	Forest Lands; Agricultural Resource Lands	Added to MRO after DNR and PC permits are obtained; Comp Plan Amendment
<i>Lewis</i>	Farmland of Local Importance	Forest Resource Lands; Agricultural Resource Lands; Mineral Resource Lands	Comp Plan Amendment
<i>Kitsap</i>	Mineral Resource Lands;	Forest Resource Lands	Comp Plan Amendment
<i>Whatcom</i>	Mineral Resource Lands; Agriculture Protection Overlay	Rural & Commercial Forestry; Agriculture	Administrative approval process through Hearing Examiner
<i>Snohomish</i>	Mineral Resource Lands	Forestry; Agriculture 10-acre; Mineral Conservation	Comp Plan Amendment