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RESOURCE STEWARDSHIP DEPARTMENT

Creating Solutions for Our Future

Brent A. Butler, AICP, Director

MEMORANDUM

TO: Thurston County Planning Commission

FROM: Allison Osterberg, Senior Planner

DATE: June 15, 2017

SUBJECT: Comprehensive Plan Update - Mineral Resource Lands Inventory & Designation

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.

Background

- August 16, 1993 – Thurston County established designation criteria for mineral resource lands of long-term significance in the Comprehensive Plan and 20.30B of the Thurston County Code. *Ord. 10398 and Res. 10400*
- October 17, 2003 – Based on concerns raised during a review of designated mineral lands as part of the Comprehensive Plan Update, the County adopted interim regulations prohibiting new designation of mineral lands, citing concern that the existing criteria did not include sufficient environmental factors or location criteria, and noting public concern about environmental impacts of mineral extraction. *Ord. 13030*
- November 24, 2003 – County re-affirmed moratorium and establishes a citizen task force to review Mineral Lands Regulations. *Res. 13061-A*
- 2003-2004 – Mineral Lands Task Force met 11 times and developed recommendations on on designation criteria for mineral lands
- 2004-2010 – County renewed interim moratorium 14 times, while addressing challenges to the 2004 Comprehensive Plan Update and reviewing amendments to the Critical Areas Ordinance.
- September 7, 2010 – County adopted revised criteria for mineral resource lands. *Res. 14401 and Ord. 14402.*

- Prohibited co-designation of mineral lands and forest lands, and most critical areas
- November 23, 2010 – Growth Management Hearings Board (GMHB) challenge Case No. 10-2-0020c by Weyerhaeuser Co., Washington Aggregates and Concrete Assoc., Inc., Alpine Sand and Gravel, Inc., Glacier Northwest, Inc., dba CALPORTLAND, Granite Construction Co., Miles Sand and Gravel Co., Quality Rock Products, Inc., and Segale Properties, LLC.
- June 17, 2011 – GMHB Amended Final Decision and Order
 - Of the 23 issues brought by the challenge, the GMHB held that Thurston County must reconsider seven.
- April 17, 2012 – County adopted amended designation criteria. *Res. 14739 and Ord. 14740.*
 - Cited Best Available Science (BAS) to support refined exclusions
 - Maintained exclusion of forest lands
 - Excluded Category 1 and 2 wetlands, Zone 1 and 2 Time of Travel boundaries for Class A Public Water Systems, habitats for species listed under the Endangered Species Act, marine bluffs, including the Nisqually Hillside Overlay
- July 18, 2012 – Compliance Order issued
 - GMHB found the County generally met the previous Compliance Order requirements. However, the court found that Thurston County must reconsider dual designation of mineral lands where long-term forestlands and critical areas are also present.
- January 8, 2013 – additional amendments adopted. *Res. 14847 and Ord. 14848.*
 - Removed all criteria creating exclusions for forest lands or critical areas
 - Added provision that all mineral lands designated in the Comprehensive Plan must also be designated under Chapter 20.30B TCC.
- March 15, 2013 – GMHB found that Thurston County had achieved compliance with RCW 36.70A.170 (1) and (2), WAC 365-190-020 and 365-190-040 with the additional amendments adopted in January and closed the case.

During the case, the County argued and the GMHB agreed that several of the issues raised by *Weyerhaeuser et al.* should be dismissed because the County had not yet updated its mineral lands designation on the official Future Land Use Map. This process was to be completed as part of the scheduled periodic update of the Comprehensive Plan, which is now underway.

The current Designation Criteria included in Chapter 3 of the Comprehensive Plan and 20.30B TCC are attached.

Updated Inventory & Classification

The BoCC adopted a scope of work for the Comprehensive Plan update in February 2017, which included the provision to “update map of designated mineral lands, based on adopted criteria.” As part of the current Comprehensive Plan update, the County is reviewing its designated mineral resource lands, considering new information from the Department of Natural Resources, and other sources of information about potential mineral resource deposits (RCW 36.70A.060 and 36.70A.131)

Mineral lands must be designated on a county-wide basis, rather than parcel by parcel, and must be based on technical geologic information made available since the last update (WAC 365-190-070). The current county designation map only includes known mine locations. This project will identify and classify mineral lands more broadly, based on the county's underlying geology to meet the requirements of the GMA.

To complete this work, staff is working with a team of consultants. The team is composed of geologists, hydrogeologists, and an economic geologist to complete the inventory and classification. To date the consultants have produced a draft inventory map and classification system. These items were made available for public review on May 1. A comment period on the draft inventory was open from May 1 through May 24, 2017, and all properties affected by the draft designation were notified by mail of the open comment period. In addition, staff held an Open House on May 17, 2017, for the public to review the draft maps and materials, prior to a public work session with the Planning Commission.

Updated Designation

The next step in the review is to filter the inventory of mineral lands using designation criteria. In doing so, the County will consider the Minimum Guidelines outlined in WAC 365-190-020 and WAC 365-190-070 (see attached). The Planning Commission will review several options related to designation, including:

- ***Jurisdictional Exclusion:*** The current designation criteria do not exclude mineral lands within jurisdictions, because in the past, mineral lands were designated at a site-scale. With the designation shifting to a county-wide inventory, it may be practical to exclude lands subject to jurisdiction of other government entities – such as Joint Base Lewis-McChord, tribal reservations, and cities. These areas were provisionally excluded from the inventory.
- ***Intensity of Surrounding Uses:*** Current designation criteria states that designated areas must be a minimum of 5 acres and 60% of the area within 1,000 feet of a proposed site must be made up of parcels 5 acres or larger. Are there additional factors that should be considered as options?
- ***Co-designation with Resource Lands:*** Current designation criteria excludes agricultural lands of long term commercial significance, but does allow co-designation with long-term forestry.
- ***Critical Areas:*** In response to the GMHB rulings, current designation criteria does not consider critical areas, and instead relies on the review of critical area protections at the permitting stage. Should the County consider new or additional Best Available Science related to critical areas and mineral lands?
- ***Aesthetic or Other Criteria:*** Are there particular areas that should be excluded based on aesthetic considerations or other factors?

The above criteria were applied throughout unincorporated county areas to designate those forest lands of long-term commercial significance. Those lands that currently meet the criteria are shown on Map M-42. Future lands meeting these criteria may also be designated.

IV. MINERAL RESOURCES

Community Vision: The citizens of Thurston County recognize mining as an important part of the rural economy. Mineral resources such as sand and gravel supply materials for road maintenance and construction projects throughout the region. The community seeks a balance between the need for mineral resources and the need to protect the environment and the community from adverse impacts of mining. Good stewardship of mining operations, including reclamation and restoration, takes a partnership among mining operators, county citizens, and regulatory agencies.

Background: As a result of major glacial activity in Thurston County's geologic past, major deposits of sand and gravel are located in Thurston County. This geologic heritage provides the raw material for dozens of sand and gravel operations throughout the County. The deposits are perhaps doubly significant considering their proximity to major population areas and construction projects that use sand and gravel. Although rich in sand and gravel, the County has relatively few areas of high quality basalts used in construction activities.

Balancing conflicts: The extraction process does pose potential conflicts with surrounding uses, particularly rural residential uses and critical areas. During the process of designating resource lands of long-term commercial significance, the county evaluates the location and value of the resource as well as its proximity to existing residential areas (see below). For permitting new mining activity, the county considers groundwater protection, air quality impacts, hazards posed by gravel truck travel, and residential densities surrounding the mine, among other concerns. In response to these concerns, the county implements conditions and BMPs through the Special Use Permit process to ensure that mining operations are in keeping with public health and safety and environmental protection. Just as sand and gravel is a natural resource, so too is the groundwater and air quality the county depends on. The policies provide that generally, mining should minimize adverse impacts on the environment, and specifically, should minimize its effect on surface and groundwater and air quality.

The policies also specify that mineral extraction sites should be restored as mining occurs. Existing, non-operating or abandoned mining sites pose a concern to many county residents because they may leave aquifers vulnerably exposed, and invite illegal waste dumping. The action recommendations also seek to address the problem of these non-operating sites.

The policies recognize the necessity for mineral extraction to be located in rural areas of the county with low population densities or in industrial-zoned areas. The movement of

large amounts of mineral resource necessitates good roads capable of handling significant numbers of heavily-loaded trucks. Loaded trucks en route from the extraction site may lose a very small but potentially hazardous portion of their load, and track dirt or mud onto public roadways. Therefore, the policies also respond to the need for better prevention of such mining impacts on county residents.

Designating Mineral Resources of Long-Term Commercial Significance: The Growth Management Act states that "...each county...shall designate where appropriate...mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals." RCW 36.70A.170(1) The Act defines "minerals" as gravel, sand, and valuable metallic substances. Other minerals may be designated as appropriate. RCW 36.70A.060(1)(a) states that "...each county...shall adopt development regulations...to assure the conservation of...mineral resource lands designated under RCW 36.70A.170."

Within Thurston County, minerals of potentially long-term commercial significance include sand and gravel deposits, coal deposits, and a few rock resources, such as columnar basalt (shot rock) and sandstone. Basalt "shot rock" is important for highway construction and flood control rip rap. The sandstone quarries at Tenino have provided valuable building material for the State Capitol and other structures around the County. There are no known valuable metallic minerals within the County.

Protecting these mineral deposits of long-term commercial significance for mining use is an important goal of the policies, as is preventing residential and other incompatible uses from locating adjacent to these deposits. The County recognizes that a mining operator's hauling distance to the resource user is an important factor to its economic viability. However, the policies also provide that mining activity should not encroach on existing residential uses nor adversely affect the environment. In addition, significant geologic features, including Mima mounds, shall not be used for mining purposes. Additional significant geologic features may be identified by future study.

To determine the location of mineral resource lands of long-term commercial significance, the County applies the criteria provided by the Washington State Department of Commerce (DOC). Based on the DOC Guidelines and additional considerations to protect public health, safety, and the environment, the County has developed the following criteria to designate mineral resource lands of long-term commercial significance.

MINIMUM DESIGNATION CRITERIA

1. Mineral Deposits. Designated mineral resource lands should contain deposits consisting of sand and gravel, coal, sandstone, basalt, or other igneous rock, based on U.S. Geological Survey maps or site-specific information prepared by a geologist, or as indicated by State Department of Natural Resources (DNR) mining permit data.

2. Location. Designated mineral resource lands shall be separated by a distance of at least 1,000 feet from public preserves, which include parks, national wildlife refuges, state conservation areas, wild life areas, and other government owned preserves, but excluding hunting areas. In addition, designated mineral resource lands shall be at least 1,000 feet from urban growth areas and rural residential areas with existing densities predominantly one dwelling unit per five acres or higher, in order to minimize land use conflicts during the long-term operation of the mine.

To qualify for a mineral resource designation, at least 60% of the area within 1,000 feet of a proposed site must be made up of parcels 5 acres in size or larger, excluding parcels owned by the applicant.

3. Minimum Site Size. An area proposed for the mineral resource lands designation should be at least 5 acres in size.
4. Marketability. Mineral resource lands shall contain non-strategic minerals which are minable, recoverable and marketable in the present or foreseeable future as determined by a licensed professional geologist.
5. Mineral resource lands shall not include agriculture lands of long term commercial significance, or historical/cultural preservation sites.
6. Mineral resource lands may include lands designated for long-term forestry.

Designation process.

Lands or portions of a legal lot or parcel meeting the above criteria may be designated mineral resource lands through a Comprehensive Plan Amendment process. Such designation should not be used as a basis for granting a special use permit. Where applicable, mineral lands of long term commercial significance that are designated in the comprehensive plan must also be designated under Chapter 20.30B of the Thurston County Code prior to applying for a special use permit for mineral extraction uses. The presence of critical areas on the site may prohibit or restrict mineral extraction operations. Mine operators must go through all required review and permitting prior to beginning any mining activity on designated land. Map M-43 identifies existing mining sites meeting the designation criteria, although this map is provided for reference only. An updated map of designated mineral resource lands of long-term commercial significance is the "Official Designated Mineral Resource Lands" map accompanying the official zoning map, available at the County. This map is immediately updated following approval of a new designated site.

Long-term commercially significant (designated) mineral deposits should be conserved for long-term resource extraction. To this end, the following measures shall be implemented:

- Resource use notice shall be provided to new developments within 1,000 feet of:
 1. Designated mineral lands and,

2. Existing mining operations outside designated mineral lands, informing prospective property owners of the long-term resource use nearby.

These measures are intended to assure that the use of lands adjacent to designated mineral lands shall not interfere with the continued use, in accordance with best management practices (BMPs), of the designated lands for mineral extraction.

2. Land use activities adjacent to forest land in rural areas should be sited and designed to minimize conflicts with forest management and other permitted activities on forest land.
3. A Purchase of Development Rights (PDR) Program should be utilized as an incentive for property owners to conserve forest lands within the county to ensure that working forest lands continue to stay available for such uses.

ACTION NEEDS FOR OBJECTIVE A:

1. *The County should study the impacts of cluster development on forest lands to ensure that clustering is achieving the intended benefits of minimizing impacts to resource industries and enhancing rural character.*

GOAL 7: MINERAL RESOURCE LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE SHOULD BE ALLOWED TO BE USED BY EXTRACTION INDUSTRIES, WITH MINIMAL HARM TO THE ENVIRONMENT.

OBJECTIVE A: The county should provide regulatory mechanisms that balance and minimize the conflicts between extractive industries, other land uses, and general environmental concerns.

POLICIES:

1. Mineral extraction industries should be allowed to locate where prime natural resource deposits exist.
2. Designated mineral resource lands of long-term commercial significance should be conserved for mineral extraction, and the use of adjacent lands should not interfere with the continued use of the designated mining sites that are being operated in accordance with applicable best management practices and other laws and regulations.
3. Designated mineral resource sites that are being operated in accordance with applicable best management practices and other laws and regulations should be given increased protection from nuisance claims from landowners who have been notified of the presence of the long-term mineral extraction site.
4. Restoration of mineral extraction sites should occur as the site is being mined. The site should be restored for appropriate future use and should blend with the adjacent landscape and contours.

5. Prime and unique farmland (as defined by the Natural Resources Conservation Service) shall not be used for mineral or soil mining purposes.
6. New residential uses shall be discouraged from locating near prime designated mineral deposit sites until mineral extraction is completed unless adequate buffering is provided by the residential developer.
7. Extraction industries shall not adversely impact adjacent or nearby land uses, or public health and safety.
8. Proposed mining activities shall not alter significant geologic features such as Mima mounds.
9. Areas where existing residential uses at densities of greater than 1 unit per five acres predominate shall be protected against intrusion by mineral extraction operations.
10. Mineral extraction activities shall not negatively affect nor endanger surface and ground water flows and quality.
11. County information on the location and quality of mineral resource deposits should be updated as information becomes available from the Department of Natural Resources, United States Geological Survey or other licensed geologist. This information can be useful in planning for future designations of mineral resource lands of long-term commercial significance.

ACTION NEEDS FOR OBJECTIVE A:

1. *Periodically review designated mineral resource lands and identified prime mineral deposits based on new information from the Department of Natural Resources, Thurston County, and other scientific sources. Work with citizens, DNR, and mineral operators in the designation and conservation of future mineral resource lands of long-term commercial significance.*
2. *The County should provide the necessary staff resources to regularly monitor all mines for compliance with the Mineral Extraction Code, as called for in the regulations.*
3. *The County should consider raising annual registration fees for mines in order to cover monitoring costs.*
4. *Define and identify significant geologic features that should not be altered by mining activities.*

5. *Investigate the problems associated with non-operating and non-permitted mining sites and work with the appropriate state agencies to resolve such problems.*
6. *Work with mineral extraction operators in the county to develop a "good neighbor" relationship, for example, by encouraging operators to voluntarily provide a resource use notice to nearby landowners*
7. *Change the resource use notice provision to apply to building and development permits within 1,000 feet of designated mineral lands. Consider expanding this noticing provision to additional properties if warranted by the Special Use Permit conditions.*
8. *In order to ensure maximum protection of public health and safety and the environment, the County should conduct further studies on the health impacts of mining and accessory uses, including asphalt plants and concrete plants, the creation of lakes from mining operations, and other impacts to sensitive areas located near mining sites. Future designations of mineral lands should take this information into account.*
9. *The County should reevaluate the minimum setbacks from residential areas required by the Mineral Extraction Code to ensure adequate protection of public health and safety.*

Chapter 20.30B - DESIGNATED MINERAL LANDS^[2]**Sections:***Footnotes:*

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Editor's note— Ord. No. 14402, § 6, adopted Sept. 7, 2010, amended the former Ch. 20.30B, §§ 20.30B.010—20.30B.050, and enacted a new Ch. 20.03B as set out herein. The former Ch. 20.30B pertained to similar subject matter. For complete derivation see the Code Comparative Table and Disposition List at the end of Volume II.

20.30B.010 - Purpose.

This chapter establishes the requirements and procedures for a mineral extraction site to receive designation as 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.

(Ord. No. 14402, § 6, 9-7-2010)

20.30B.020 - Designation of existing mineral lands.

Mineral extraction operations existing on the effective date of this chapter which meet the criteria established in 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. 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.

(Ord. No. 14402, § 6, 9-7-2010)

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

1. No new or expanded mineral extraction activities may be permitted by the County on sites not designated 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. Legal nonconforming mines are allowed to continue pursuant to any and all laws that apply to such mines.

2. The county will review designation applications through the Comprehensive Plan amendment process.
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.

(Ord. No. 14402, § 6, 9-7-2010)

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 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. 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.

(Ord. No. 14402, § 6, 9-7-2010; Ord. No. 14740, § 1(Att. A), 4-17-2012; Ord. No. 14848, § 1(Att. A), 1-8-2013)

20.30B.035 - Application requirements.

1. An application for designation shall be filed with the department as a comprehensive plan amendment and shall include:
 - 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.

(Ord. No. 14402, § 6, 9-7-2010; Ord. No. 14773, § 10(Att. I), 7-24-2012)

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.

(Ord. No. 14402, § 6, 9-7-2010)

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;
 - 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, 14.20 or 14.44 TCC was given.
2. An owner or occupier of real property for which notice has been given pursuant to Chapters 14.20, 14.44 or 18.04 TCC may not be limited in bringing a private nuisance claim against a protected, legally operating mine.

(Ord. No. 14402, § 6, 9-7-2010)

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, associated environmental review and all other applicable laws. The presence of critical areas on the site may prohibit or restrict mineral extraction operations.

(Ord. No. 14402, § 6, 9-7-2010; Ord. No. 14848, § 1(Att. A), 1-8-2013)

WAC 365-190-070

Mineral resource lands.

(1) In designating mineral resource lands, counties and cities must approach the effort as a county-wide or regional process, with the exception of owner-initiated requests for designation. Counties and cities should not review mineral resource lands designations solely on a parcel-by-parcel basis.

(2) Counties and cities must identify and classify mineral resource lands from which the extraction of minerals occurs or can be anticipated. Counties and cities may consider the need for a longer planning period specifically to address mineral resource lands, based on the need to assure availability of minerals for future uses, and to not inadvertently preclude access to available mineral resources due to incompatible development. Other proposed land uses within these areas may require special attention to ensure future supply of aggregate and mineral resource material, while maintaining a balance of land uses.

(3) Classification criteria.

(a) Counties and cities classify mineral resource lands based on geologic, environmental, and economic factors, existing land uses, and land ownership. It is expected that mineral resource lands will be depleted of minerals over time, and that subsequent land uses may occur on these lands after mining is completed. Counties and cities may approve and permit land uses on these mineral resource lands to occur after mining is completed.

(b) Counties and cities should classify lands with potential long-term commercial significance for extracting at least the following minerals: Sand, gravel, and valuable metallic substances. Other minerals may be classified as appropriate.

(c) When classifying these areas, counties and cities should use maps and information on location and extent of mineral deposits provided by the department of natural resources, the United States Geological Service and any relevant information provided by property owners. Counties and cities may also use all or part of a detailed minerals classification system developed by the department of natural resources.

(d) Classifying mineral resource lands should be based on the geology and the distance to market of potential mineral resource lands, including:

(i) Physical and topographic characteristics of the mineral resource site, including the depth and quantity of the resource and depth of the overburden;

(ii) Physical properties of the resource including quality and type;

(iii) Projected life of the resource;

(iv) Resource availability in the region; and

(v) Accessibility and proximity to the point of use or market.

(e) Other factors to consider when classifying potential mineral resource lands should include three aspects of mineral resource lands:

(i) The ability to access needed minerals may be lost if suitable mineral resource lands are not classified and designated; and

(ii) The effects of proximity to population areas and the possibility of more intense uses of the land in both the short and long-term, as indicated by the following:

(A) General land use patterns in the area;

(B) Availability of utilities, including water supply;

(C) Surrounding parcel sizes and surrounding uses;

(D) Availability of public roads and other public services; and

(E) Subdivision or zoning for urban or small lots.

(iii) Energy costs of transporting minerals.

(4) Designation of mineral resource lands.

(a) Counties and cities must designate known mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded. Priority land use for mineral extraction should be retained for all designated mineral resource lands.

(b) In designating mineral resource lands, counties and cities should determine if adequate mineral resources are available for projected needs from currently designated mineral resource lands.

(c) Counties and cities may consult with the department of transportation and the regional transportation planning organization to determine projected future mineral resource needs for large transportation projects planned in their area.

(d) In designating mineral resource lands, counties and cities must also consider that mining may be a temporary use at any given mine, depending on the amount of minerals available and the consumption rate, and that other land uses can occur on the mine site after mining is completed, subject to approval.

(e) Successful achievement of the natural resource industries goal set forth in RCW **36.70A.020** requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible with the management of designated lands.

[Statutory Authority: RCW **36.70A.050** and **36.70A.190**. WSR 10-03-085, § 365-190-070, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW **36.70A.050**. WSR 91-07-041, § 365-190-070, filed 3/15/91, effective 4/15/91.]