MEMORANDUM

TO: Thursto County Planning Commission
FROM: Maya Teeple, Senior Planner
DATE: January 22, 2020
SUBJECT: Comprehensive Plan Update: Mineral Lands Update

History of the Mineral Lands Update
Since 2017, Thurston County has been reviewing the County’s Mineral Resource Lands of Long-Term Commercial Significance designation, map and related policy. Thurston County is updating the map of designated mineral lands in response to the 2010 Growth Management Hearings Board (GMHB) Case #10-2-0020c brought by Weyerhaeuser et al. 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 map of the mineral lands designation (an overlay to the 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.

This update involves changes to: Chapter 2 Land Use acreages, Chapter 3 background and policy text, Map N-2 – Designated Mineral Resource Lands, and the Thurston County Code (multiple sections). Chapter 3 houses the mineral lands designation criteria, and also sets goals, objectives, and policies for the protection and long-term conservation of mineral resources.

More Information
Additional information requested and on changes since the January 16, 2019 Planning Commission is provided in sections within this memorandum
Section 1, Follow-Up from Jan. 16, 2019 – Code Changes and Streamlining Options
Section 2, Follow-Up from Jan. 16, 2019 – Questions from Planning Commission
Section 3, Background on Parks Policy Option Discussion

Attachments
Attachment 1 – Chapter 2 – Land Use, clean and redline changes
Attachment 2 – Chapter 3 – Natural Resources, clean and redline changes
Attachment 3 – Map N-2 – Designated Mineral Resource Lands
Attachment 4 – Thurston County Code Amendments – Mineral Lands Update
Attachment 5 – Mineral Lands Decisions – Cheat Sheet
Attachment 6 – Summary of Previous Historical and Recent Mineral Lands Decisions
Attachment 7 – Comp Plan – Continuing Schedule

Next Steps
The next several work sessions will discuss mineral resource lands update. The tentative schedule is: Jan. 22, 2020 – MRL Overview; Feb. 5, 2020 – Stakeholder/Planning Commission Round Table; MRL Follow Up Questions; Feb 19, 2020 – MRL Follow-Up and Wrap Up.
Section I. Code Changes and Streamlining Options

At the January 16, 2019 Planning Commission Work Session, there were 5 decision points (A through E) with 14 different unique options. After that work session, staff conducted further analysis and review of those options. Because the mineral lands designation criteria is not considered on a parcel-by-parcel basis, site-level considerations such as expansion and partially designated parcels are best addressed through the Thurston County Code language. Staff recommend streamlining the proposed options in the mineral lands code language (Attachment 4 reflects the recommended streamlining below). Below are staff recommendations on streamlining options:

Decision Point D – Expansion Policies (D-1, D-2, D-3):
The options labeled as ‘D’ in the code language (see attachment 4; pages 13, 16, and 19-20) specifically address how expansion of existing mineral operations is treated. In the January 16, 2019 version of the code language, there were 3 options. Staff propose streamlining “D OPTIONS” down to 2 options.

Staff recommend removing option D-2 (January 16, 2019 version) from further consideration. This change is reflected in the current draft code language (attachment 4). Old option D-2 explicitly allows for expansion of mineral operations onto adjacent undesignated parcels, except within the 1,000-foot separation distance from an Urban Growth Area or public/park preserve. This option is recommended for removal for the following reasons:

- This option may be difficult to implement at the permitting site-scale. It would require identifying the 1,000-foot separation distance areas both on a map for the planning stage, and on the ground for the permitting stage.
- In some cases, this would limit the portion of a parcel that is eligible for a mineral extraction permit (see Figure 1).
- This would be difficult to enforce on the ground.

![Option D-2:](image)

**FIGURE 1: JANUARY 16, 2019 OLD OPTION D-2 EXPANSION CONSIDERATION.**

Decision Point E – Designation Policies (E-1, E-2, E-3, E-4, E-5):
The options labeled as ‘E’ in the code language (see attachment 4; pages 14-15) specifically address how designation of mineral lands is evaluated at the site level for the purposes of permitting. In the
January 16, 2019 version of the code language, there were 5 options (see attachment 5 for summary of all options and the revised numbering). In the current draft (attachment 4), there are three options.

Staff recommend removing options E-1 and E-3 from the Jan. 16, 2019 version from further consideration. These options explicitly state that if designated, a whole parcel is eligible for a mineral extraction permit, except within the 1,000-foot separation distance from an Urban Growth Area or public/park preserve. This is recommended for removal for the following reasons:

- Options E-1 through E-5 are intended to clarify if a parcel is considered designated at the site-scale. For permitting purposes, it is easier to consider a whole parcel designated, or a whole parcel undesignated.
- The “except within the 1,000-foot separation distance” may be difficult to implement at the permitting site-scale. It would require identifying the 1,000-foot separation distance areas both on a map for the planning stage, and on the ground for the permitting stage.
- In some cases, this would limit the portion of a parcel that is eligible for a mineral operation permit (see Figure 2).
- This would be difficult to enforce on the ground.

**FIGURE 2: JANUARY 16, 2019 OLD OPTIONS E-1 AND E-3 PARTIAL DESIGNATION CONSIDERATION.**
Section II. Questions from Planning Commission

Below are questions from the Planning Commission that came up at the January 16, 2019 meeting.

What are the current noise limitations?
Thurston County code currently states (17.20.110 TCC):
“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.”

Noise limitations for environments are set by the state in the WAC. According to WAC 173-60-030, Class A EDNA environments are those where human beings reside and sleep. Maximum permissible environmental noise levels are set under WAC 173-60-040:

<table>
<thead>
<tr>
<th>EDNA OF NOISE SOURCE</th>
<th>Class A</th>
<th>Class B</th>
<th>Class C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class A</td>
<td>55 dBA</td>
<td>57 dBA</td>
<td>60 dBA</td>
</tr>
<tr>
<td>Class B</td>
<td>57</td>
<td>60</td>
<td>65</td>
</tr>
<tr>
<td>Class C</td>
<td>60</td>
<td>65</td>
<td>70</td>
</tr>
</tbody>
</table>

Also within WAC 173-60-040 are specific allowances for exceedances. At any hour, day or night, the above table may be exceeded by no more than:
“(i) 5 dBA for a total of 15 minutes in any one-hour period; or
(ii) 10 dBA for a total of 5 minutes in any one-hour period; or
(iii) 15 dBA for a total of 1.5 minutes in any one-hour period.”

How many “existing, legally non-conforming mines” are out there?
Staff estimated this number using the Thurston County Mineral Lands layer and DNR permitted mines (DNR data, 2017) layer. There may be other mines not captured by these two sources. This number does not include any mines that are for forest practices, personal use, or agricultural use within the allowed amount and time frame.

There are approximately 4 ‘active’ mines that would not be captured by the draft designated mineral resource lands map options (Map N-2). All of these mines occur within the city limits/urban growth areas.

Partial designation policies affect how many additional acres?
*This section discusses options as they are presented in Attachment 4 and 5 of the January 22, 2020 Planning Commission Packet.

One of the options before the Planning Commission is how to consider designation at the parcel scale when a parcel is only partially designated. A series of options currently exist (E-1 through E-3). Option E-1 requires a parcel to meet a double-threshold in order to be considered “designated” for permitting purposes: at least 0.25 acres, and 5%. Option E-2 considers the entire parcel “designated” for
permitting purposes, if any portion is mapped. Finally, Option E-3 only considers fully mapped parcels as designated for permitting.

The numbers below are estimates, based on the options as presented in Attachment 4 (MRL Code Amendments, dated January 22, 2020). They have been rounded and are based on a rough analysis:

- Approximately 4,700 parcels are mapped with designated mineral resource lands, totaling to 143,000 acres. The total parcel acreage of these 4,700 parcels is roughly 210,000 acres.
  - Option E-1 requires that parcels meet a double-threshold. Approximately 92% (4,200 parcels) meet that threshold and would be considered designated mineral lands. The total acreage of those parcels is 194,000 acres (an increase in 51,000 acres from the actual amount designated).
    - Approximately 7% (16,000 acres) do not meet the double-threshold and would not be considered designated for permitting purposes.
  - Option E-2 would consider a parcel designated for permitting purposes if any amount is designated mineral lands. This would result in roughly 210,000 acres.
  - Option E-3 (formerly, option E-5) only considers parcels that are fully mapped as designated for permitting purposes. Approximately 75,000 acres would be considered designated for permitting purposes under this option.

<table>
<thead>
<tr>
<th>(Old E-5)</th>
<th>Old E-1</th>
<th>(Old E-2)</th>
<th>Old E-3</th>
<th>(Old E-4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>E-3</td>
<td>E-1</td>
<td>E-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>~75,000 ac</td>
<td>~194,000 ac</td>
<td>~210,000 ac</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- The acreages above would not all be eligible for a mining operation permit at the site level. That is because site-level considerations, such as critical areas, are not evaluated at the designation scale. Additionally, some properties may already be developed or have other restrictions that would be considered at the site-level.

**What is the impact of proposed expansion policies?**
There are approximately 19 existing active mines in Thurston County that could expand onto adjacent undesignated properties (DNR data, 2017).

- Seven of these operations are within or near city or urban growth area limits and could impact these areas.
- Five of these operations are nearby or adjacent to currently mapped public parks and preserves.
Section III. Background on how Parks are Mapped

In the initial draft of the mineral lands designation map update, public parks and preserves were considered generally. The early draft map update (2017) used the Thurston County Parks Layer, which includes a range of types of parks, such as developed and undeveloped parkland, natural areas and preserves, wildlife areas and refuges, and trailhead parcels. County-owned rail trails, such as the Chehalis Western Trail and the Yelm-Tenino Trail are not included in the Thurston County Parks Layer, and were not considered in the initial analysis; consequently, trails may overlap with mineral lands designation.

The Board of County Commissioners was briefed on parks policy options on November 1, 2018. Follow-up discussions were held on November 6, 2018 and November 20, 2018. On November 20, 2018, a majority of the Board of County Commissioners directed staff to proceed in defining parks using Option 1 – “More Parks” excluded from mineral lands designation. This option does not change the designation criteria in Chapter 3, but affects how parks are considered in the mapping process. This option is reflected in the draft designated mineral lands options on map N-2 (dated Jan. 22, 2020). Below is a summary of the work and options leading up to that decision.

On July 24, 2018, the Board of County Commissioners requested that staff review what parks are included in the parks and public preserves definition as it relates to Mineral Resource Lands designation. Staff took this question to the Mineral Lands stakeholder group and held two meetings in August and September of 2018 to discuss what should or should not be considered a public park/preserve in the context of mineral lands. The following is a summary of questions that were asked to the group:

1. Does ownership of a park matter? Must it be a government entity (i.e., state, county, city)? Can it be owned by a non-profit or private entity?
2. Must the property be open to the public?
   a. What about properties closed to the public that protect sensitive habitat?
   b. What about undeveloped parks with intent to be developed in the future?
3. Does the use of the land matter? (i.e., lands for habitat and resource conservation, versus lands for active recreation, such as a playground or ballfield)
   a. What about trails and trailheads?
   b. What about off-road vehicle parks or dog parks?
   c. What about boat launches?
4. Should there be a minimum size or width?

Staff drafted two options on how parks could be considered for the purposes on the mineral lands designation update. The options described below are based on stakeholder feedback.

Both options reflect the following:
- Uses the Thurston County Parks Layer as the basis for analysis.
- Excludes parks and areas within 1,000 feet of parks that are 5 acres or larger and government-owned, including:
  - Public preserves,
  - National wildlife refuges,

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1 In this context, ‘excludes’ means that these areas are removed from the mineral lands designation. Therefore, the mineral lands designation will not overlap these areas.
Habitat and wildlife areas,
Natural areas, and
State conservation areas.

• Does not exclude:
  - Non-government parks,
  - Parks smaller than 5 acres,
  - Trailhead parcels,
  - County-owned boat launches (i.e., Boston Harbor boat launch),
  - County-owned trails (i.e., Chehalis Western Trail, Yelm-Tenino Trail),
  - Off-Road Vehicle Park, and
  - The Evergreen State College.

In addition to the criteria above, some stakeholders were also interested in excluding properties owned by land trusts. Staff believe that excluding land trust properties does not meet the current designation criteria within the Comprehensive Plan of ‘publicly-owned’ or ‘government-owned’. Additionally, maintaining an updated data source to exclude land trust properties would be difficult.

**Policy Option 1: Excludes More Types of Parks from Mineral Lands Designation**

1) This policy option takes a broad approach in interpreting what parks are protected under the current mineral lands designation criteria. In addition to the criteria listed above for both options, policy option 1 also excludes:
   - Developed and undeveloped parkland that is used for either passive or active recreation.

**Considerations:**
- Excludes more types of parks (38 total parks) from the mineral lands designation under the public parks/preserve designation criteria. (Removes around 700 acres of mineral lands).

**Policy Option 2: Excludes Fewer Types of Parks from Mineral Lands Designation**

2) This policy option takes a narrow approach in interpreting what parks are protected under the current mineral lands designation criteria. In addition to the criteria listed above for both options, policy option 2 also excludes:
   - Developed parkland used primarily for passive recreation.

This option differs from option 1 in that undeveloped parkland and parkland used primarily for active recreation are not excluded from the mineral lands designation. Consequently, these areas may overlap with or be adjacent to designated mineral lands.

**Considerations:**
- Excludes fewer types of parks (28 total parks) from the mineral lands designation under the public parks/preserve designation criteria. (Adds around 700 acres of mineral lands).
- This policy option may remove some parks that warrant protection.
For example, McAllister Springs is classified as an “undeveloped” park in the Thurston County Parks layer. Under policy option 2, it is not excluded from the mineral lands designation, and consequently may overlap with mineral lands.

Deschutes Falls Park was previously classified as an undeveloped park. Under this policy option and its old classification, Deschutes Falls park would not have been excluded from the mineral lands designation (and would have overlapped/been adjacent to designated mineral lands). While Deschutes Falls Park is now classified as a developed park and therefore excluded from designated mineral lands in both policy options, other similar sites that are currently classified as undeveloped are not excluded from mineral lands.

For parks that are not excluded from the mineral lands designation under policy option 2, the area adjacent to parks may or may not be eligible for mining at the permit level.

<table>
<thead>
<tr>
<th>Table 1: Summary Comparison of Parks Policy Options 1 &amp; 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Parks Excluded from MRL designation</strong></td>
</tr>
<tr>
<td>Option 1: 38 parks</td>
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<tr>
<td>Option 2: 28 parks</td>
</tr>
<tr>
<td><strong>What type of parks are excluded from MRL designation?</strong></td>
</tr>
<tr>
<td>Parks 5 acres or greater that are government-owned, including:</td>
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<tr>
<td>• Public preserves,</td>
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<tr>
<td>• National &amp; State Wildlife Refuges,</td>
</tr>
<tr>
<td>• Habitat and Wildlife Areas,</td>
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<tr>
<td>• Natural Areas,</td>
</tr>
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<td>• State Conservation Areas,</td>
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<tr>
<td>• <strong>Developed</strong> parks used for <strong>primarily passive</strong> recreation.</td>
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space or resource use. The goals and policies in this plan seek to maintain rural character and resource uses as well as minimize and contain existing areas or uses of more intensive rural development in the rural area while directing urban growth to appropriate areas.

IV. LAND USE DESIGNATIONS

This section of the Land Use Chapter describes each of the land use designations depicted on the Future Land Use Map (Map L-1). Mineral lands of long-term commercial significance are designated on a separate map (Map N-2), and open space lands are shown on Map E-3. Parks and trails owned by the County are also identified in the Thurston County Parks Plan, which is maintained as a separate planning document. The policies in Section VII provide further guidance in determining the appropriate land use designations for lands in rural areas. Development of lands within UGAs around cities and towns are guided by the land use designations within the adopted city/county joint plans.

In interpreting this plan, the following descriptions of the land use designations and the associated policies in Section VII of this chapter should be given the greatest weight and importance. The accompanying Future Land Use Map (Map L-1) is intended to be a visual representation of the descriptions and policies. Where there are apparent inconsistencies between the text and the map, the text shall control.

A. GENERAL LAND USE GUIDELINES

Determining how and where to designate land uses throughout the county is a complex process that involves an evaluation of geographic and scientific information, legal and social parameters, and citizen preferences. The following table describes the general guidelines used to make designation decisions:

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Land Capability/Environmental Constraints

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plan. Rural area lands are designated according to the land use guidelines above. See Table 2-3, below, for the percentage of land allocated to different rural uses.

### Table 2-3
Percentage of Land Allocated for Rural Uses

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Total Acres</th>
<th>Percent Designated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated resource use (designated agriculture, forestry, and mineral lands)</td>
<td>156,685</td>
<td>39.8%</td>
</tr>
<tr>
<td>(with mineral lands overlay: 296,771)</td>
<td></td>
<td>(75.4%)</td>
</tr>
<tr>
<td>Rural (residential density 1 dwelling unit per 20 acres)</td>
<td>14,176</td>
<td>3.6%</td>
</tr>
<tr>
<td>Rural (residential density 1 dwelling unit per 10 acres)</td>
<td>4,978</td>
<td>1.3%</td>
</tr>
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<td>Rural resource and residential (residential density 1 unit per 5 acres)</td>
<td>176,943</td>
<td>44.9%</td>
</tr>
<tr>
<td>Urban Reserve (residential density 1 unit per five acres)</td>
<td>1,752</td>
<td>0.4%</td>
</tr>
<tr>
<td>Limited Areas of More intensive Rural Development (LAMIRDs) (densities greater than 1 dwelling unit per 5 acres)</td>
<td>10,082</td>
<td>2.6%</td>
</tr>
<tr>
<td>Public Parks, Trails, and Preserves and Educational Institution Lands</td>
<td>9,393</td>
<td>2.4%</td>
</tr>
<tr>
<td>Military Reservation</td>
<td>18,404</td>
<td>4.7%</td>
</tr>
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<td>Rural commercial and industrial use</td>
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<td>0.2%</td>
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<td>Totals</td>
<td>393,283</td>
<td>100% (135.5%)</td>
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4 Excludes all lands within Urban Growth Areas, areas covered by water, public and railroad rights-of-way. Source: Thurston County Geo Data & Buildable Lands Work Program, Thurston Regional Planning Council.

5 Low density residential uses are permitted in some of these areas, at densities ranging from 1 unit per 20 acres to 1 unit per 80 acres. Note that agriculture, forestry, and mining activities occur throughout the county, not just on land dedicated for these purposes. See Chapter 3.

6 Accounts for mineral lands designation, which is an overlay on other land use designations.
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IV. LAND USE DESIGNATIONS

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\(^6\) Accounts for mineral lands designation, which is an overlay on other land use designations.
conditions include land grade 2 forest soils, which provide (in conjunction with large parcel sizes) the growth potential to manage timber lands for long-term commercial production.


For Thurston County, this means that recent residential development is an indicator of a pattern or direction of growth that may be encroaching on the forest land.

The above criteria were applied throughout unincorporated county areas to designate forest lands of long-term commercial significance. Designated long-term commercially significant forest lands (as of August 23, 1993) are shown on Map N-1. Currently designated forest lands of long-term commercial significance are identified as “Long-Term Forestry” on the Future Land Use Map, Map L-1. Future lands meeting these criteria may also be designated.

VI. MINERAL RESOURCES

A. COMMUNITY VISION:
The citizens of Thurston County recognize mining as an important part of the local and regional 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 any adverse impacts of mining through best management practices, reclamation, and restoration. Good stewardship of mining operations takes a partnership among mining operators, county citizens, and regulatory agencies.

B. BACKGROUND:
Thurston County is fortunate to possess ample deposits of valuable mineral resources, consisting primarily of sand, gravel and bedrock, but also including some coal and metal ore deposits. 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. 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. These resources occur throughout the county with the largest concentrations found in the west and south. A major portion of the county’s mineral resources coincides with designated forest resource lands. The quantity of commercially significant sand and gravel has been estimated at 6.1...
billion tons (3.8 billion cubic yards), and bedrock resources are estimated to be unknown. This is much more than sufficient to meet long-term demand for the foreseeable future.\(^{15}\)

Thurston County's planning efforts for mineral lands are guided by GMA statute and rules, which set forth three primary steps:

1. *Identify* all mineral resources (primarily sand, gravel and bedrock) and *classify* these resources based on estimates of quantity and quality, and commercial value;

2. *Designate* mineral resource lands which have long-term commercial significance, and which are not already characterized by urban growth. Designation must also consider relevant geologic, economic, land use and environmental criteria identified in the GMA rules; and

3. *Conserve* designated mineral resource lands through policies and development regulations to ensure that extraction is feasible and is not inadvertently precluded by development, or because surrounding land uses will conflict with and interfere with future extraction.

**C. BALANCING CONFLICTS:**

The mineral extraction process does pose potential conflicts with surrounding uses, particularly rural residential uses and critical areas. When the County designates mineral lands of long-term commercial significance, the location and value of the resource as well as its proximity to existing residential areas are evaluated. During the permit process for new mining activity, the County considers:

- Groundwater protection;
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The policies for mineral resource lands of long-term commercial significance aim to ensure the long-term viability of the mining industry while protecting public health and the environment. The policies call for:

❖ Mining to minimize adverse impact on the environment.
❖ Mining to minimize effect on surface and groundwater, and air quality.
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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.

In the past, Mineral Resource Lands were designated on a site-by-site basis. Lands or portions of a legal lot or parcel meeting criteria were designated through a Comprehensive Plan Amendment process.

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Mineral resource land designation and associated policies in this chapter are based on:

❖ A geologic inventory supplemented site-specific data when available;
❖ A hierarchical classification of resources based on resource quality and quantity;
Designation criteria consistent with WAC 365-190-170;
Policies to balance potential conflicts.

The mineral resource land designation represents an increase in designated mineral lands from 5,623 acres (2019) to **140,086 acres (2020)**. The 2020 mineral resource land designation of **140,086 acres** represents a reduction from the overall geologic inventory of 189,475 acres of potentially viable mineral deposits (Table 3-5). The current designated mineral resource lands are mapped as an overlay to the Future Land Use Map (FLUM). Areas were excluded from consideration based on jurisdictional and legal issues, environmental constraints, and land use compatibility.

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GMA GUIDANCE FOR DESIGNATION OF MINERAL RESOURCE LANDS

Counties must designate mineral resource lands in order to achieve the natural resource industries goal of the Growth Management Act. The major requirements under State guidelines include the following:

- Must approach designation as a countywide process, and not review mineral lands solely on a parcel-by-parcel basis;
- May consider a longer planning period than the typical 20 years, to assure the availability of minerals for future uses and not preclude their access due to incompatible development;
- Should base their classification of mineral lands on underlying geology and distance to market, and should use information from the Department of Natural Resources (DNR), the United States Geological Service, and relevant information from property owners;
- Should determine if adequate mineral resources are available for projected needs from designated mineral lands;
- Must consider mining a temporary use at any given location, that could be followed by another land use after mining is;
- Should designate mineral lands as close as possible to their likely end use area;

In classifying mineral resource lands, counties should consider the following minimum guidelines:

- Geology: depth and quality of resource and characteristics of resource site
- Projected life of the resource
- Resource availability and needs in the region
- Accessibility and proximity to point of use or market
- Energy costs of transporting materials
- Proximity to population areas
  - General land use patterns
  - Availability of utilities, including water supply
  - Surrounding parcel sizes and uses
  - Availability of public roads and public services
  - Subdivision and zoning of small lots

- WAC 365-190-040; 070
To determine the location of mineral resource lands of long-term commercial significance, the County applies state minimum guidelines provided by the Washington State Department of Commerce under WAC 365-190-070 (see sidebar). Based on those 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.

**OPTION A**

**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.

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Designation means that the presence of mineral resources and analysis of land use compatibility has been completed at a broad, landscape scale, and designated sites are eligible to apply for the permits needed for extraction and/or processing of minerals. Designation does not mean that any specific site within the designation will be approved for an active mine. Such designation should not be used as a basis for granting a special use permit. Every proposal for mineral extraction must complete additional environmental review at the project level and obtain the required permits.

**Becoming Designated:** In order to receive a permit for mineral extraction, the land must first be designated mineral resource lands. If land is not currently designated as a mineral resource land of long-term commercial significance (Map N-2), it may be eligible for designation with the appropriate information. This process is completed through a comprehensive plan amendment with the required geologic information. See the Goals, Objectives, and Policies section for specific requirements.

**Removal from Designation:** A property owner may file an application for the removal of designation. This process is completed through a comprehensive plan amendment with the required geologic information. See the Goals, Objectives, and Policies section for specific requirements.
Beyond Designation: Protecting mineral deposits of long-term commercial significance for mining use is an important goal of the designation process, permitting process, and comprehensive plan policies. Policies aim to prevent residential and other incompatible uses from locating adjacent to these deposits. Several factors are addressed outside of the designation process. For example, 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.

Designated mineral lands may include environmentally sensitive areas. The presence of critical areas on the site may prohibit or restrict mineral extraction operations, as addressed at the site-specific permit level. Mine operators must go through all required review and permitting prior to beginning any mining activity on designated land. Map N-2 identifies mineral resource lands that meet the designation criteria and is considered the "Official Designated Mineral Resource Lands" map. Map N-2 is an overlay to the underlying land use designation of property shown on the Comprehensive Plan Future Land Use Map, which supplements but does not change the underlying land use designation of affected properties.

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

1. A Resource Use Notice shall be provided to new developments within a specified distance of designated mineral lands.

2. Existing mining operations outside designated mineral lands shall inform prospective property owners of the long-term resource 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.

VII. GOALS, OBJECTIVES AND POLICIES

AGRICULTURAL RESOURCES – GOALS, OBJECTIVES AND POLICIES

GOAL 1: PRESERVE AGRICULTURAL LAND IN ORDER TO ENSURE AN ADEQUATE LAND BASE FOR LONG-TERM FARM USE. (THIS APPLIES TO ALL AGRICULTURAL LAND, INCLUDING AREAS OUTSIDE OF AGRICULTURE OF LONG-TERM COMMERCIAL SIGNIFICANCE)

OBJECTIVE A: Conserve (no net loss) and enhance agricultural lands for long-term farming use.

POLICIES:

1. Residential uses adjacent to farms should be developed in a manner which minimizes potential conflicts and reduces unnecessary conversion of farmland. The use of “cluster”
MINERAL RESOURCES – GOALS, OBJECTIVES AND POLICIES

GOAL 7: IDENTIFY, DESIGNATE AND CONSERVE MINERAL RESOURCE LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE.

OBJECTIVE A. Identify, classify and designate mineral resource lands that are not characterized by urban growth, that contain commercially significant mineral deposits, and that satisfy applicable criteria established by the Growth Management Act (GMA) statute and rules, and Thurston County’s Comprehensive Plan.

POLICIES:

1. Using the best information available, Thurston County should identify all unincorporated lands that contain commercially valuable deposits of mineral resources. This inventory should be periodically reviewed every 4 years. If no data is available for an update at 4 years, the inventory should be reevaluated for update again at the 8 year GMA update cycle.

   a. Thurston County has completed a preliminary geologic inventory of large areas throughout the county (“prospects”) containing deposits of sand, gravel, bedrock and other mineral resources (Map N-3). The locations and nature of these resources are mapped and described in a report titled “Mineral Lands of Long-Term Commercial Significance Inventory Study” (Associated Earth Sciences, Inc., 2017). The study will be updated and revised periodically as new geologic information becomes available.

   b. The inventory excludes lands characterized by urban growth, including land within cities, designated urban growth areas, and certain lands owned by federal, state and tribal governments, for which the county lacks legal authority to designate and regulate resource lands.

   c. The County should establish a process to periodically (on a 4 year basis) notify and allow the owners of property that are not currently included in the Mineral Resource Lands inventory to petition to be considered for inclusion. The petition shall include:

      i. Technical and geologic information that support mineral resources exist, such as boring samples or subsurface geologic data, including reported depth, volume and area,

      ii. Associated maps developed by a qualified geologist to provide evidence of marketability and value of the mineral deposit, and

      iii. Information that indicates mineral resources meet County established criteria for classification and designation.
d. A landowner may submit application for inclusion in the Mineral Resource Lands Inventory outside of the 4 year update cycle by filing a comprehensive plan amendment. In addition to the criteria under policy 1(c), the landowner shall include:

i. Submittal of a master application and comprehensive plan amendment application with associated fees.

2. Designated mineral resource lands are identified on Comprehensive Plan Map N-2. The mineral resource designation is an overlay to the underlying land use designation of property shown on the Comprehensive Plan Future Land Use Map, which supplements but does not change the underlying land use designation of affected properties.

3. Properties that are currently designated as mineral resource lands in the Comprehensive Plan and/or that are operating pursuant to a valid mining permit are considered to be mineral resource lands of long-term commercial significance.

4. Designation as mineral resource land indicates that the property has been reviewed to determine the presence or absence of specific geologic, land use and environmental features at a county-wide, comprehensive planning level, and that the land is potentially appropriate for mineral extraction subject to adopted site-specific review and permitting procedures and applicable development regulations. Designation does not convey any permit, approval or authorization to mine or otherwise use, alter or develop any designated property, and is not a substitute for site-specific review and permitting of a proposed mining operation consistent with applicable Thurston County development regulations. Designation does not create a presumption that an individual property or project should be approved for mining.

5. Lands that contain commercially significant mineral resources should be excluded from designation if potential mineral extraction in the affected location(s) would significantly impact or conflict with established or planned land uses or land use patterns or with important environmental resources; or would be incompatible or significantly conflict with goals, policies or directives established by the Growth Management Act or Thurston County policies or regulations; or are beyond the County’s legal authority to designate or regulate.

6. Designation as mineral resource lands in the Thurston County Comprehensive Plan is a precondition for submitting an application to the county to extract mineral resources on a specific site.

7. Using the best information available, Thurston County should identify all unincorporated lands that meet the minimum designation requirement. The Designated Mineral Resource Lands map (Map N-2) should be periodically reviewed every 4 years. If no data is available for an update at 4 years, the designation should be reevaluated for update again at the 8 year GMA update cycle.

a. The County should establish a process to periodically (4 year cycle) allow the owners of property that are not currently included in the Designated Mineral Lands.
Resource Lands map to petition to be considered for inclusion. The petition shall be based on the following process:

i. Submittal of necessary geologic information, including: (1) Technical and geologic information that support mineral resources exist, such as boring samples or subsurface geologic data, including reported depth, volume and area; (2) Associated maps developed by a qualified geologist to provide evidence of marketability and value of the mineral deposit, and; (3) Information that indicates mineral resources meet County established criteria for classification and designation;

ii. Update of the countywide mineral resource inventory and classification;

iii. Review using adopted designation criteria, to determine the appropriateness of the proposed property for designation; and

iv. Environmental review pursuant to the State Environmental Policy Act.

b. Individual changes to the Designated Mineral Resource Lands map may be accomplished outside of the 4-year update cycle by an amendment to the Comprehensive Plan as part of the county’s annual plan review and amendment process. In addition to the criteria under policy 7(a), the landowner shall also include:

i. Submittal of a master application and comprehensive plan amendment application with associated fees.

c. Designated mineral resource lands may be removed from the comprehensive plan map by action of the Board of County Commissioners if it is determined that mineral excavation is no longer an appropriate use because of changed conditions and/or the land no longer meets the criteria for designation.

d. A property owner may file an application for removal of mineral resource lands designation with the department outside of the 4-year update cycle. The application shall be based on the following process:

i. Submittal of a master application and comprehensive plan amendment application with associated fees and necessary geologic information, such as: (1) Information to support that mineral resources are depleted to a point that it is no longer economically feasible to mine on the site; (2) Evidence that market conditions have changed to such a degree that it is no longer economically feasible to continue mining on the site.

ii. Update of the countywide mineral resource inventory and classification.

iii. Evidence that the site no longer meets the adopted designation criteria.

iv. Environmental review pursuant to the State Environmental Policy Act.
OBJECTIVE B. Ensure that lands adjacent to designated mineral resource lands do not interfere with mineral extraction.

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 potential mineral extraction, and the use of adjacent lands should not interfere with the use of these lands for mineral extraction. Adjacent lands should be zoned for compatible rural uses or resource uses.

3. Mineral extraction 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 designated mineral lands and/or the mineral extraction site.

4. New residential uses should be discouraged from locating near prime designated mineral deposit sites until mineral extraction is completed, unless adequate buffering is provided by the residential developer.

5. A permit may be issued for properties within a certain distance of designated mineral resource lands only after the resource use notice has been signed by the property owner and recorded against the property, according to the requirements in the Thurston County Code. The notice shall contain a statement that the ability of owners or occupants to recover for nuisances arising from activities on the designated mineral lands may be restricted. The notice shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

GOAL 8: ENSURE THAT IMPACTS TO THE ENVIRONMENT AND OTHER SURROUNDING LAND USES FROM EXTRACTION ON MINERAL RESOURCE LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE ARE MITIGATED FOR AND MANAGED THROUGH THE PERMITTING PROCESS.

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

POLICIES:

1. Designated mineral resource lands should be located in low density rural areas where conflicts between extraction operations and surrounding land uses can be avoided or minimized. Designated lands should not be characterized by a predominance of environmental constraints.

2. Extraction industries shall not adversely impact adjacent or nearby land uses, or public health and safety.
3. Areas where existing residential uses at densities of greater than 1 unit per 5 acres predominate shall be protected against intrusion by mineral extraction operations.

4. Buffer mineral extraction sites that are adjacent to existing residential areas. Buffers could consist of berms and vegetation to minimize impacts to adjacent property owners.

5. Mineral extraction activities shall not negatively affect nor endanger surface and groundwater flows and quality.

6. Some critical areas may prohibit or restrict allowed mineral extraction uses. Consider critical areas, including fish and wildlife habitat, wetlands, floodplains, aquifer recharge areas, and geologic hazard areas at the permit level before approving mineral extraction, as regulated under Thurston County Code, Title 24.

7. Consider maintenance and update of public roads at the permit level before approving mineral extraction.

**GOAL 9: ENSURE THAT RECLAMATION AND RESTORATION ARE DESIGNED FOR THE APPROPRIATE POST-EXTRACTIVE USE OF THE SITE AND ARE COMPATIBLE WITH PLANNED FUTURE USE OF ADJACENT LANDS.**

**OBJECTIVE A.** Identify and plan for post-extractive uses of mineral resource lands at the time of permitting a mineral operation.

**POLICIES:**

1. Post-extractive uses should be identified, at the time of permitting, for mineral resource lands.

2. Restoration of mineral extraction sites should occur successively as the site is being mined. The site should be restored for the appropriate future use and should blend with the adjacent landscape and contours.

3. The county shall ensure that mine site excavation and reclamation are consistent with county, city, and tribal land use plans and the state Surface Mine Reclamation Act (RCW 78.44).

4. The county should pursue innovative reclamation plans in concert with private landowners for the final conversion of exhausted mineral resource lands into desirable uses – such as park land, open space, forest land, community lakes, housing, agricultural land, and other uses – that are compatible with the Comprehensive Plan and zoning. These uses should be compatible with adjacent land uses. Such reclamation plans will be considered as favorable mitigations of the mining activity during the county's SEPA review process.
conditions include land grade 2 forest soils, which provide (in conjunction with large parcel sizes) the growth potential to manage timber lands for long-term commercial production.

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   For Thurston County, this means that recent residential development is an indicator of a pattern or direction of growth that may be encroaching on the forest land.
   
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<td>Mineral Resource Lands Inventory (2017)</td>
<td>189,475 acres</td>
</tr>
<tr>
<td>Designated Mineral Lands (2020)</td>
<td>140,086 acres (A-1) 142,170 (A-2)</td>
</tr>
</tbody>
</table>
Counties must designate mineral resource lands in order to achieve the natural resource industries goal of the Growth Management Act. The major requirements under State guidelines include the following:

❖ Must approach designation as a countywide process, and not review mineral lands solely on a parcel-by-parcel basis;
❖ May consider a longer planning period than the typical 20 years, to assure the availability of minerals for future uses and not preclude their access due to incompatible development;
❖ Should base their classification of mineral lands on underlying geology and distance to market, and should use information from the Department of Natural Resources (DNR), the United States Geological Service, and relevant information from property owners;
❖ Should determine if adequate mineral resources are available for projected needs from designated mineral lands;
❖ Must consider mining a temporary use at any given location, that could be followed by another land use after mining is;
❖ Should designate mineral lands as close as possible to their likely end use area;

In classifying mineral resource lands, counties should consider the following minimum guidelines:

❖ Geology: depth and quality of resource and characteristics of resource site
❖ Projected life of the resource
❖ Resource availability and needs in the region
❖ Accessibility and proximity to point of use or market
❖ Energy costs of transporting materials
❖ Proximity to population areas
  ▪ General land use patterns
  ▪ Availability of utilities, including water supply
  ▪ Surrounding parcel sizes and uses
  ▪ Availability of public roads and public services
  ▪ Subdivision and zoning of small lots

- WAC 365-190-040; 070
To determine the location of mineral resource lands of long-term commercial significance, the County applies state minimum guidelines provided by the Washington State Department of Commerce under WAC 365-190-070 (see sidebar). Based on those 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.

OPTION A

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, wildlife 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.**

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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. Designation means that the presence of mineral resources and analysis of land use compatibility has been completed at a broad, landscape scale, and designated sites are eligible to apply for the permits needed for extraction and/or processing of minerals. Designation does not mean that any specific site within the designation will be approved for an active mine. Such designation should not be used as a basis for granting a special use permit. Every proposal for mineral extraction must complete additional environmental review at the project level and obtain the required permits. 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.

**Becoming Designated:** In order to receive a permit for mineral extraction, the land must first be designated mineral resource lands. If land is not currently designated as a mineral resource land of long-term commercial significance (Map N-2), it may be eligible for designation with the appropriate information. This process is completed through a comprehensive plan amendment.
with the required geologic information. See the Goals, Objectives, and Policies section for specific requirements.

**Removal from Designation**: A property owner may file an application for the removal of designation. This process is completed through a comprehensive plan amendment with the required geologic information. See the Goals, Objectives, and Policies section for specific requirements.

**Beyond Designation**: Protecting mineral deposits of long-term commercial significance for mining use is an important goal of the designation process, permitting process, and comprehensive plan policies. Policies aim to prevent residential and other incompatible uses from locating adjacent to these deposits. Several factors are addressed outside of the designation process. For example, 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.

Designated mineral lands may include environmentally sensitive areas. The presence of critical areas on the site may prohibit or restrict mineral extraction operations, as addressed at the site-specific permit level. Mine operators must go through all required review and permitting prior to beginning any mining activity on designated land. Map M-43N-2 identifies existing mining sites/mineral resource lands that meet 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 and is considered the "Official Designated Mineral Resource Lands" map accompanying the official zoning map, available at the County. Map N-2 is an overlay to the underlying land use designation of property shown on the Comprehensive Plan Future Land Use Map, which supplements but does not change the underlying land use designation of affected properties. 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 extraction. To this end, the following measures shall be implemented:

1. A Resource Use Notice shall be provided to new developments within a specified distance of designated mineral lands.

2. Existing mining operations outside designated mineral lands shall inform prospective property owners of the long-term resource nearby.

   ✫ 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.
POLICIES:

1. Development regulations should accommodate and encourage clustering of residential development on rural lands adjacent to rural forest lands. The open space in clustered development should buffer rural forest land from development.

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.

MINERAL RESOURCES – GOALS, OBJECTIVES AND POLICIES

GOAL 7: IDENTIFY, DESIGNATE AND CONSERVE MINERAL RESOURCE LANDS OF LONG-TERM COMMERCIAL SIGNIFICANCE.

OBJECTIVE A. Identify, classify and designate mineral resource lands that are not characterized by urban growth, that contain commercially significant mineral deposits, and that satisfy applicable criteria established by the Growth Management Act (GMA) statute and rules, and Thurston County's Comprehensive Plan.

POLICIES:

1. Using the best information available, Thurston County should identify all unincorporated lands that contain commercially valuable deposits of mineral resources. This inventory should be periodically reviewed every 4 years. If no data is available for an update at 4 years, the inventory should be reevaluated for update again at the 8-year GMA update cycle.

   a. Thurston County has completed a preliminary geologic inventory of large areas throughout the county ("prospects") containing deposits of sand, gravel, bedrock and other mineral resources (Map N-3). The locations and nature of these resources are mapped and described in a report titled "Mineral Lands of Long-Term Commercial Significance Inventory Study" (Associated Earth Sciences, Inc., 2017). The study will be updated and revised periodically as new geologic information becomes available.

   b. The inventory excludes lands characterized by urban growth, including land within cities, designated urban growth areas, and certain lands owned by federal, state and tribal governments, for which the county lacks legal authority to designate and regulate resource lands.

   c. The County should establish a process to periodically (on a 4 year basis) notify and allow the owners of property that are not currently included in the Mineral...
Resource Lands inventory to petition to be considered for inclusion. The petition shall include:

i. Technical and geologic information that support mineral resources exist, such as boring samples or subsurface geologic data, including reported depth, volume and area.

ii. Associated maps developed by a qualified geologist to provide evidence of marketability and value of the mineral deposit.

iii. Information that indicates mineral resources meet County established criteria for classification and designation.

d. A landowner may submit an application for inclusion in the Mineral Resource Lands Inventory outside of the 4-year update cycle by filing a comprehensive plan amendment. In addition to the criteria under policy 1(c), the landowner shall include:

i. Submittal of a master application and comprehensive plan amendment application with associated fees.

2. Designated mineral resource lands are identified on Comprehensive Plan Map N-2. The mineral resource designation is an overlay to the underlying land use designation of property shown on the Comprehensive Plan Future Land Use Map, which supplements but does not change the underlying land use designation of affected properties.

3. Properties that are currently designated as mineral resource lands in the Comprehensive Plan and/or that are operating pursuant to a valid mining permit are considered to be mineral resource lands of long-term commercial significance.

4. Designation as mineral resource land indicates that the property has been reviewed to determine the presence or absence of specific geologic, land use and environmental features at a county-wide, comprehensive planning level, and that the land is potentially appropriate for mineral extraction subject to adopted site-specific review and permitting procedures and applicable development regulations. Designation does not convey any permit, approval or authorization to mine or otherwise use, alter or develop any designated property, and is not a substitute for site-specific review and permitting of a proposed mining operation consistent with applicable Thurston County development regulations. Designation does not create a presumption that an individual property or project should be approved for mining.

5. Lands that contain commercially significant mineral resources should be excluded from designation if potential mineral extraction in the affected location(s) would significantly impact or conflict with established or planned land uses or land use patterns or with important environmental resources; or would be incompatible or significantly conflict with goals, policies or directives established by the Growth Management Act or Thurston County policies or regulations; or are beyond the County’s legal authority to designate or regulate.

Commented [MT11]: Question for PC: Retain as 4 years, or change to update on an 8-year cycle (periodic update cycle)?

Commented [MT12]: Consistent with 20.30B and proposed changes in 20.60.

Commented [MT13]: This new policy was developed by the recommendation of AESI, Inc. (consultant) working on the Mineral Resource Lands inventory.

Commented [MT14]: This new policy was developed by the consultant.

Commented [MT15]: This new policy was developed by the consultant.

Commented [MT16]: This new policy was developed by the consultant.
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.

Using the best information available, Thurston County should identify all unincorporated lands that meet the minimum designation requirement. The Designated Mineral Resource Lands map (Map N-2) should be periodically reviewed every 4 years. If no data is available for an update at 4 years, the designation should be reevaluated for update again at the 8 year GMA update cycle.

a. The County should establish a process to periodically (4 year cycle) allow the owners of property that are not currently included in the Designated Mineral Resource Lands map to petition to be considered for inclusion. The petition shall be based on the following process:
   i. Submission of necessary geologic information, including: (1) Technical and geologic information that support mineral resources exist, such as boring samples or subsurface geologic data, including reported depth, volume and area; (2) Associated maps developed by a qualified geologist to provide evidence of marketability and value of the mineral deposit, and; (3) Information that indicates mineral resources meet County established criteria for classification and designation;
   ii. Update of the countywide mineral resource inventory and classification;
   iii. Review using adopted designation criteria, to determine the appropriateness of the proposed property for designation; and
   iv. Environmental review pursuant to the State Environmental Policy Act.

b. Individual changes to the Designated Mineral Resource Lands map may be accomplished outside of the 4-year update cycle by an amendment to the Comprehensive Plan as part of the county's annual plan review and amendment process. In addition to the criteria under policy 7(a), the landowner shall also include:
   i. Submittal of a master application and comprehensive plan amendment application with associated fees.

c. Designated mineral resource lands may be removed from the comprehensive plan map by action of the Board of County Commissioners if it is determined that mineral excavation is no longer an appropriate use because of changed conditions and/or the land no longer meets the criteria for designation.

d. A property owner may file an application for removal of mineral resource lands designation with the department outside of the 4-year update cycle. The application shall be based on the following process:

Commented [MT17]: This new policy was developed by the consultant.

Commented [MT18]: This new policy was developed by staff using feedback from the Mineral Lands Stakeholder group and consultants to establish a regular update process for the Designation Map, and address how to handle updates for inclusion/removal outside of the update cycle.

Commented [MT19]: Question for PC: Retain as 4 years, or change to update on an 8-year cycle (periodic update cycle)?

Commented [MT20]: Question for PC: Retain as 4 years, or change to update on an 8-year cycle (periodic update cycle)?

Commented [MT21]: Question for PC: Retain as 4 years, or change to update on an 8-year cycle (periodic update cycle)?

Commented [MT22]: Question for PC: Retain as 4 years, or change to update on an 8-year cycle (periodic update cycle)?
Objective A. Ensure that lands adjacent to designated mineral resource lands do not interfere with mineral extraction.

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 potential mineral extraction, and the use of adjacent lands should not interfere with the use of these lands for mineral extraction. Adjacent lands should be zoned for compatible rural uses or resource uses.

3. Mineral extraction 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 designated mineral lands and/or the mineral extraction site.

4. New residential uses should be discouraged from locating near prime designated mineral deposit sites until mineral extraction is completed, unless adequate buffering is provided by the residential developer.

5. A permit may be issued for properties within a certain distance of designated mineral resource lands only after the resource use notice has been signed by the property owner and recorded against the property, according to the requirements in the Thurston County Code. The notice shall contain a statement that the ability of owners or occupants to recover for nuisances arising from activities on the designated mineral lands may be restricted. The notice shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting, and recycling of minerals.

Goal 8: Ensure that impacts to the environment and other surrounding land uses from extraction on mineral resource lands of long-term commercial significance are mitigated for and managed through the permitting process.
OBJECTIVE A. The County should provide regulatory mechanisms that balance and minimize conflicts between extractive industries, other land uses, and general environmental concerns.

POLICIES:

1. Designated mineral resource lands should be located in low density rural areas where conflicts between extraction operations and surrounding land uses can be avoided or minimized. Designated lands should not be characterized by a predominance of environmental constraints.

2. Extraction industries shall not adversely impact adjacent or nearby land uses, or public health and safety.

3. Areas where existing residential uses at densities of greater than 1 unit per 5 acres predominate shall be protected against intrusion by mineral extraction operations.

4. Buffer mineral extraction sites that are adjacent to existing residential areas. Buffers could consist of berms and vegetation to minimize impacts to adjacent property owners.

5. Mineral extraction activities shall not negatively affect nor endanger surface and groundwater flows and quality.

6. Some critical areas may prohibit or restrict allowed mineral extraction uses. Consider critical areas, including fish and wildlife habitat, wetlands, floodplains, aquifer recharge areas, and geologic hazard areas at the permit level before approving mineral extraction, as regulated under Thurston County Code, Title 24.

7. Consider maintenance and update of public roads at the permit level before approving mineral extraction.

GOAL 9: ENSURE THAT RECLAMATION AND RESTORATION ARE DESIGNED FOR THE APPROPRIATE POST-EXTRACTIVE USE OF THE SITE AND ARE COMPATIBLE WITH PLANNED FUTURE USE OF ADJACENT LANDS.

OBJECTIVE A. Identify and plan for post-extractive uses of mineral resource lands at the time of permitting a mineral operation.

POLICIES:

1. Post-extractive uses should be identified at the time of permitting for mineral resource lands.

2. Restoration of mineral extraction sites should occur successively as the site is being mined. The site should be restored for the appropriate future use and should blend with the adjacent landscape and contours.

3. The county shall ensure that mine site excavation and reclamation are consistent with county, city, and tribal land use plans and the state Surface Mine Reclamation Act (RCW 78.44).
4. The county should pursue innovative reclamation plans in concert with private landowners for the final conversion of exhausted mineral resource lands into desirable uses – such as park land, open space, forest land, community lakes, housing, agricultural land, and other uses – that are compatible with the Comprehensive Plan and zoning. These uses should be compatible with adjacent land uses. Such reclamation plans will be considered as favorable mitigations of the mining activity during the county’s SEPA review process.

MINERAL RESOURCES – GOALS, OBJECTIVES AND POLICIES

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 sites.

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.
ATTACHMENT 3

DISCLAIMER: 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 (a) disclaim all warranties, express or implied, including, but not limited to implied warranties of merchantability, data fitness for a particular purpose, and non-infringement of proprietary rights; (b) disclaim liability for any damage or injury caused by the use of this map; and (c) disclaim liability for any direct, indirect, incidental, special or consequential damages that result from the use of, or the inability to use, this map. Nor does the county accept liability for any damage or injury caused by the use 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-infringement of proprietary rights. Neither the county nor the related personnel shall be liable for any damage or injury caused by the use of or the inability to use this map or any information disclosed on it, nor shall the county or related personnel be liable for any claims or suits for such damages, losses or injuries.

Option A-1: Designated Mineral Resource Lands

- Sand and-or gravel (Aggregate)
- Bedrock (Quarry)

Option A-2: Additional Designated Mineral Resource Lands Co-Designated as Long Term Agriculture Lands

- Sand and-or gravel (Aggregate)
- Bedrock (Quarry)
Mineral Resource Lands.

Chapter: 17.20 (attachment-A)
         18.04 (attachment-B)
         20.03 (attachment-C)
         20.30B (attachment-D)
         20.54 (attachment-E)
         20.60 (attachment-F)
(Amended)

These code changes are associated with the Mineral Resource Lands update for Chapter 3 of the Comprehensive Plan. Changes to the current designation criteria for mineral resource lands in the Comprehensive Plan require subsequent code changes to implement. These changes are based on recommendations made by staff and a mineral resource lands focus group.

Options for the Planning Commission are highlighted as [red], with the text changes for each option shown in the standard underlined/strikethrough text, and differences between options shown also as red text. These options are laid out in Memo 1 to the Planning Commission; corresponding comprehensive plan changes to each option are shown with the same letter/number.
ATTACHMENT – A: Thurston County Environment Ordinance (Title 17)

Chapter 17.20 - MINERAL EXTRACTION AND ASPHALT PRODUCTION

... 

17.20.40 - 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.

17.20.50 - 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.
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.

17.20.60 - 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.

...
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.

…

**OPTION (B):**

**OPTION B-1**

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, unless the department specifies a different reporting frequency. Monitoring shall be conducted during normal operating conditions and periods, and until or unless the health department determines that such monitoring is not necessary. 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. 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.

**OPTION B-2**

17.20.111- 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, and during normal operating conditions and periods, and until or unless the health at a frequency as determined by the department determines that such monitoring is not necessary. 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. Continuous noise monitoring shall be required for all mineral extraction activities or asphalt plants adjacent to residential zones. At a minimum, continuous noise monitoring means that measurements must be taken continuously for 24-hour periods, 7 days a week for at least 48 weeks in a year. Noise shall be monitored at the property boundary which is adjacent to residential zones. If noise levels exceed the levels permitted by WAC 173-60, the operator shall notify the department. Noise monitoring reports shall be provided to the health department and the community planning and economic development department on a quarterly basis and be available in digital spreadsheet format.

B.C. 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.

D. 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.

Option B provides two different approaches to noise monitoring. Option B-1 requires that noise be monitored during normal operation hours on a quarterly basis, unless a different frequency is determined by the department. Option B-2 adds in an additional requirement that noise be monitored continuously when an activity is adjacent to residential zones, with reports submitted to the department on a quarterly basis. All other operations (for example, an operation within LTF) would be monitored using a point-in-time quarterly basis or other frequency determined by the approval authority.

Certain mineral extraction activities may exceed noise standards but are not captured under current monitoring standards because it is a “point-in-time” event. Continuous noise monitoring may allow for improved compliance and enforcement of noise standards.
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. For land that is co-designated as Long Term Agriculture or Nisqually Agriculture, the expectation is that after extraction is complete, the site is rehabilitated to a state suitable for agricultural use.
9. 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;

Commented [MT3]: Change from 1/16/2019. "... and demonstration that any adverse impacts to senior water rights are mitigated" was removed after rights.
F. **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;**

G. **Proposed final depth of excavation;**

H. **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. **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. **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.

A. For those projects for which a hydrogeological report is required by Chapter 17.15 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.
Chapter 18.04 - GENERAL PROVISIONS

18.04.055 - Resource use notice.

**OPTION (C):**

A. The final plat of any subdivision, short subdivision or large lot subdivision, which is on or within one thousand feet of any land designated under Chapter 20.30B (Designated Mineral Lands) TCC, or on or within five hundred feet of any land zoned under Chapters 20.08A (Long-Term Agriculture District), 20.08C (Nisqually Agriculture District) or 20.08D (Long-Term Forestry District) TCC, shall contain a notice that the subject property is near agriculture, forest or mineral resource lands of long-term commercial significance, whichever applies, on which a variety of commercial activities may occur that may not be compatible with residential development for certain periods of limited duration. The notice shall also contain a statement that the ability of owners or occupants to recover for nuisances arising from activities on the designated mineral, agricultural or forestry land, whichever applies, may be restricted. The notice for properties within or near designated mineral lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals.

B. The resource use notice shall be provided in a form and content prescribed by the department director.

**OPTION (C-2):**

A. The final plat of any subdivision, short subdivision or large lot subdivision, which is on or within one thousand five hundred feet of any land designated under Chapter 20.30B (Designated Mineral Lands) TCC, or on or within five hundred feet of any land zoned under Chapters 20.08A (Long-Term Agriculture District), 20.08C (Nisqually Agriculture District) or 20.08D (Long-Term Forestry District) TCC, shall contain a notice that the subject property is near agriculture, forest or mineral resource lands of long-term commercial significance, whichever applies, on which a variety of commercial activities may occur that may not be compatible with residential
development for certain periods of limited duration. The notice shall also contain a statement that the ability of owners or occupants to recover for nuisances arising from activities on the designated mineral, agricultural or forestry land, whichever applies, may be restricted. The notice for properties within or near designated mineral lands shall also inform that an application might be made for mining-related activities, including mining, extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals.

B. The resource use notice shall be provided in a form and content prescribed by the department director.

... An alternative option for the resource use notice for plats and subdivisions is considered under option C. Option C-1 maintains the current code language, which the notification for subdivisions and plats at 1,000 feet. Option C-2 replaces “one thousand feet” with “five hundred feet”. This text replacement would make the resource use notification consistent across all resource industries (agriculture, forestry and mining). This option was recommended as an alternative by mineral lands stakeholders. WAC 36.70A.060(b) currently requires that counties and cities require all plats, short plats, development permits, and building permits issued for activities on or within 500 feet of resource lands contain a notice. Either proposed option is consistent with state law.

In November 2003, the Board amended 18.04.055 to change the plat notice for designated mineral lands from 500 feet to 1,000 feet. This was amended with Ordinance 13040.
ATTACHMENT – C: Thurston County Zoning Ordinance (Title 20)

Chapter 20.03 - STRUCTURE, INTERPRETATIONS AND DEFINITIONS

Sections:

…

20.03.040 - Definitions.

The following definitions shall be used in the interpretation and administration of this title. The definition of various terms as presented in this section does not necessarily represent the same definitions as may be found for the same terms in other chapters of the Thurston County Code.

…

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.

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

111.28   "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.

…
ATTACHMENT – D: Thurston County Zoning Ordinance (Title 20)

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 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.

**OPTION D-1**

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, with the exception of:

   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.

**OPTION D-2**

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, with the exception of:

Commented [MT8]: Change from 1/16/2019: FORMER OPTION D-2 was removed.

Commented [MT9]: This used to be option D-3 (in the 1/16/19 version). Old option D-2 was removed so D-3 is the new D-2.
a. The extraction and processing of rock and gravel exclusively for forest practices shall be permitting 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 public park/preserve, where a portion of the existing site has been designated mineral resource land. 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 [insert adoption date here].

This section defines the applicability of mineral resource lands designation. Two options are presented for applicability. Option 1 is considered a baseline, whereas option 2 allows for more flexibility for mineral operations by allowing for the expansion of existing, legally established mines onto adjacent undesignated parcels, when a portion of the existing site is designated. Option 2 is modeled after language in the Snohomish County Code, SCC 30.31D.010(3(c)).

**OPTION (E):**

**OPTION E-1**

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. When interpreting the Mineral Resource Lands map at a project level, designation is evaluated based on a percentage threshold, as follows:

   a. If less than 0.25 acres is mapped as designated mineral lands, then the parcel is not considered designated or eligible to apply for a mineral extraction permit.

   b. If less than 5% (less than 0.25 for every 5 acres) of a parcel is mapped as designated mineral lands, then the parcel is not considered designated or eligible to apply for a mineral extraction permit.

   c. If 5% or more (0.25 acres or more for every 5 acres) of a parcel is mapped as designated mineral lands, then the whole parcel is considered designated, and is 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.
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.

d. If a single parcel has 5 acres or more of mapped designated mineral lands regardless of the total parcel size, then the entire parcel is considered designated, and is 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.

OPTION E-2
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. When interpreting the Mineral Resource Lands map at a project level, designation is evaluated as follows:

a. If any amount of the parcel is mapped as a designated mineral resource land, then the whole parcel is considered designated, and is 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.

OPTION E-3
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. When interpreting the Mineral Resource Lands map at a project level, designation is evaluated as follows:

a. The entire parcel must be mapped as a designated mineral resource land in order to be considered designated and eligible to apply for a mineral extraction permit.

Section 20.30B.015(2) is a new proposed section within the Thurston County Code, 20.30B. Three options are available for the above section, 20.30B.015(2), to interpret designation at the site level. Option 1 designates on a double-threshold, allowing permitting on partially designated parcels that fall within the 1,000 foot separation distance of a UGA or public park/preserve; Option 2 defines a parcel as designated, including the area within the 1,000-foot separation distance from the UGA or public park/preserve if any amount is mapped; Option 3 only considers a parcel designated if the whole parcel is mapped.
DELIBERATIVE DRAFT

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.

OPTION (D):

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 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.

OPTION D-2

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

1. No new or expanded Expansion of mineral extraction activities may be permitted by the County on sites not designated only when a portion of the existing legally established operation is on designated mineral resource land and the site for expansion has been proven to have existing mineral resources. “Existing” as used in this provision means a mineral operation that is in existence prior to [insert adoption date here], under the requirements of this chapter. No new 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 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.

The above options are attached to the D options under 20.30B.015 – Applicability. The option that moves forward for the text above would be directly tied to the option under 20.30B.015 (and 20.30B.050). Above, option 1 allows only for mining on designated mineral lands; option 2 allows expansion of existing operations onto adjacent undesignated mineral lands.

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.

e. 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.

For consistency purposes, the designation criteria for mineral resource lands are proposed for removal from the Thurston County Code. Mineral Resource lands designation criteria will be maintained and amended in the Thurston County Comprehensive Plan. Thurston County
currently maintains designation criteria for long-term agriculture and long-term forestry within the comprehensive plan only.

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.

**OPTION (D):**

**OPTION D-1**

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, 14.17, 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.

**OPTION D.2**

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, subject to the current code requirements at the time of expansion, the site is an expansion of an existing legally established mineral operation onto adjacent undesignated land where it has been proven that mineral resources exist, and where a portion of the existing site has been designated mineral resource land;
   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.
The above options are attached to the ‘D’ options under 20.30B.015 – Applicability. The option that moves forward for the text above would be directly tied to the option under 20.30B.015 (and 20.30B.025). Above, option 1 allows only for mining on designated mineral lands; option 2 allows expansion of existing operations onto adjacent undesignated mineral lands.

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.
ATTACHMENT – E: Thurston County Zoning Ordinance (Title 20)

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 R 1/20 | R R R 1/5 | U R 1/5 | R R L 1/5 | L R 1/2 | R 3 1/6 | R 4 1/6 | L 1/1 | P 1 | N 1/1 | C 1/1 | C 1/1 | H 1/1 | S 2 | M 1 | G 1/2 | L 1 | T A | N A | T C | P F | M R | A O | D |
|----------------------|--------|----------|-----------|---------|-----------|---------|---------|---------|-------|-----|------|------|------|------|----|----|-----|----|----|----|----|----|----|----|
|                      | ...    |          |           | ...     |           |         |         |         |       |     |      |      |      |      |    |    |      |    |    |    |    |    |    |    |
| 21. Mineral extraction | X  X  X  X  X  X  X  X  X  X  | | | | | | | | |     | | | | | | | | | | | | | | | |
|                      | ...    |          |           |         |           |         |         |         |       |     |      |      |      |      |    |    |      |    |    |    |    |    |    |    |

The above changes to Table 1 in section 20.54 are associated with option A-2, which is an option for the mineral lands designation criteria in the Comprehensive Plan, Chapter 3. Option A-2 amends the current designation criteria for mineral resource lands of long term commercial significance to allow for mineral resource lands to be co-designated with Long-Term Agriculture/Nisqually agriculture. Option A-1 would result in no proposed change to Table 1 in section 20.54. **Option A-1 would result in no proposed change to Table 1 in section 20.54 TCC**
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.

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 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 the Thurston County Comprehensive Plan and 20.30B for requirements.
Chapter 20.60 – VIOLATIONS & ENFORCEMENT
ADMINISTRATIVE PROCEDURES

Staff recommends change to the title of Chapter 20.60 in the Thurston County Code. This is item A-15 on the 2019 Official Development Code Docket. The current name of the Chapter does not accurately describe what is included in the chapter and should be renamed appropriately.

Sections:

20.60.020 - Application review procedures.

Table 2

Permit Review Matrix

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

The above changes to Table 2 in section 20.60.020 correct the table to reflect the process of an application to be added to or removed from the designated mineral lands map. This process would be done through a Comprehensive Plan Amendment. This is referenced in TCC 20.30B.040, and details on what information must be submitted with a comprehensive plan amendment to revise the designated mineral lands map is included within the policy language of Chapter 3.
### Chapter 3 - Options Cheat Sheet

**Mineral Lands Decisions - A through E**

<table>
<thead>
<tr>
<th>Decision A - Designation Criteria Amendment</th>
<th>Decision B - Noise Monitoring Requirements</th>
<th>Decision C - Resource Use Notice</th>
<th>Decision D - Expansion Policies</th>
<th>Decision E - Designation at the Site Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1  Maintain current criteria</td>
<td>B-1  Maintain quarterly monitoring</td>
<td>C-1  Maintain current language of 1,000-feet for plats</td>
<td>D-1  Allow expansion only onto designated MRL</td>
<td>E-1  Double-threshold designation, except within 1,000 feet</td>
</tr>
<tr>
<td>A-2  Change criteria to codesignate w/ ag lands</td>
<td>B-2  Require continuous monitoring in residential areas</td>
<td>C-2  Reduce language for plats to 500 feet</td>
<td>D-2  Allow expansion onto undesignated MRL, except within 1000 feet</td>
<td>E-1  Double-threshold designation, allowing into the 1,000-feet from UGAs and parks</td>
</tr>
<tr>
<td></td>
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<tr>
<td>D-1  Allow expansion only onto designated MRL</td>
<td>E-1  Double-threshold designation, allowing into the 1,000-feet from UGAs and parks</td>
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<tr>
<td>E-2  If any is designated, whole parcel is eligible including area in the 1,000 ft from UGAs and parks</td>
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<tr>
<td>E-3  The entire parcel must be mapped to be permitted</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT 6

TO: Thurston County Planning Commission
FROM: Maya Teeple, Senior Planner
DATE: January 22, 2020

SUBJECT: Comprehensive Plan Update - Mineral Lands Update
Historical and Recent Decisions

Summary of Thurston County Mineral Lands History, 1993 to 2013

Below is a summary of history related to the Thurston County Mineral Lands Designation Criteria.

- **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

• **June 17, 2011** – GMHB Amended Final Decision and Order
  o 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.*
  o Cited Best Available Science (BAS) to support refined exclusions
  o Maintained exclusion of forest lands
  o 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
  o 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.*
  o Removed all criteria creating exclusions for forest lands or critical areas
  o 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.

**Summary of Recent Decisions Related to the Mineral Lands Update, 2016 to current**

Below is a summary of recent history related to the 2016-2020 Thurston County Mineral Lands Update. Any date highlighted in yellow indicates a decision was made by the Board of County Commissioners, or a recommendation was produced by the Thurston County Planning Commission.

Between 2017 to current, there were been 9 stakeholder meetings, 10 Planning Commission meetings (including 1 public hearing), and 8 Board of County Commissioner meetings on mineral lands. All past meeting materials are online: [https://www.thurstoncountywa.gov/planning/Pages/mineral-meetings.aspx](https://www.thurstoncountywa.gov/planning/Pages/mineral-meetings.aspx)

• **July 26, 2016** – BoCC approves for RFP to solicit proposals for professional services to develop Thurston County Mineral Lands Inventory map.

• **October 2016** – RFP selection of professional services with Associated Earth and Sciences, Inc. (AESI).
November 8, 2016 – BoCC approval of AESI, Inc. Contract for Mineral Lands Inventory study.

February 14, 2017 – Adoption of the Scope of Work for the Comprehensive Plan Update by the BOCC under Resolution 15436.
  o The Scope of Work States “update map of designated mineral lands, based on adopted criteria”.

April 19, 2017 – Mineral Lands Stakeholder Group convened. This group met for a total of 9 meetings between April 19, 2017 and October 24, 2018.

May 1, 2017 – Draft Inventory Map developed. County issued notification letters to all property owners affected (i.e., overlapped or adjacent to) by the draft inventory, and invited property owners to submit public comment if they have technical information to better inform the inventory or have information that their property should be included or excluded. From May 1 – June 6, 2017, the county received 228 comments on the inventory, and also handled 142 phone calls and 20 walk-in questions.


August 4, 2017 – AESI, Inc. finalizes Mineral Lands Inventory Map.


March 21, 2018 – Planning Commission produces a recommendation on scope of mineral lands. Recommendation states to proceed with option 1A, which maps the current designation criteria, but to also consider co-designation of mineral lands with agricultural lands of long-term commercial significance.

May 16, 2018 – Board Briefing on Mineral Lands Scope of Designation and PC Recommendation. Follow up discussions were held on May 22, May 31, and June 5.

July 24, 2018 – Board approves staff to move forward with Option 2, as stated: “Move forward with the Planning Commission recommendation, unchanged, but amend policies to address parcels that are partially designated.”
  o Based on this decision, the following maps are retained for further consideration: A(1) which is the current designation criteria. Option A(2) which is the current designation criteria, except for co-designation of mineral resource lands with long term agricultural lands.

October 24, 2018 – Last Mineral Lands Stakeholder Meeting (9 of 9), to review proposed code changes and parks policy options.
• **November 1, 2018** – Board Briefing on Parks Policy Options to determine how to interpret the parks clause of the current designation criteria in Chapter 3 for the purposes of the Mineral Lands designation map. Follow up discussion held on November 6, 2018.

• **November 20, 2018** – Board directs staff to proceed with option 1 (more parks) for the mineral lands update.
  o This does not effectively change any designation criteria in the comprehensive plan. It is mapping implementation of existing designation criteria.
  o This policy option is reflected in the updated Mineral Lands Designation Map options (Map N-2).

• **January 16, 2019** – Planning Commission work session on mineral lands update, including: Chapter 3 policy language, detailed review of major code changes and code options, and review of Designated Mineral Lands Map N-2 options. Planning Commission requested additional work sessions to review code language.

• **May 9, 2019** – Management decides to split the scope of work of the Comprehensive Plan Update, and places mineral lands as a continuing item to allow more time for public comment.

To review any materials from the mineral lands update, please visit: [https://www.thurstoncountywa.gov/planning/Pages/mineral-meetings.aspx](https://www.thurstoncountywa.gov/planning/Pages/mineral-meetings.aspx)

**Current status of the mineral lands review update:**
The mineral lands review update is being considered as part of the continuing items of the Comprehensive Plan Update (Item #1 on the 2018/2019 Comprehensive Plan Amendment Docket). The Planning Commission had review of the fully developed options on January 16, 2019.

Minor changes have been made to proposed code language, and there are new proposals to streamline code options since the last Planning Commission Meeting (January 16, 2019).
TO: Thurston County Planning Commission  
FROM: Maya Teeple, Senior Planner  
DATE: January 22, 2020  
SUBJECT: Comprehensive Plan Periodic Update: Continuing Items Schedule

Below is a tentative schedule for Planning Commission review of continuing items of the Comprehensive Plan Periodic Update. All dates are subject to changes. The continuing items include:

- Mineral Lands Update
- Parks Level of Service Update
- Long-Term Forestry Designation review
- Chapter 11 – Health
- Logistical Chapters (update)

Several other code changes previously under the Comprehensive Plan Periodic Update (Accessory Dwelling Units, childcare facilities, wireless, etc.) will proceed as individual development code items.

<table>
<thead>
<tr>
<th>PC MEETING DATE*</th>
<th>Topic</th>
<th>Est Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>22-Jan-20</td>
<td>Mineral Lands Overview – Review of past work and proposed changes: ch. 2, ch. 3, Thurston County code changes, Map N-2</td>
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<tr>
<td>5-Feb-20</td>
<td>Mineral Lands Roundtable w/ PC/Stakeholder Group (30 min); Follow-Up (30 min)</td>
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<td>19-Feb-20</td>
<td>Mineral Lands Follow-Up</td>
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<tr>
<td>4-Mar-20</td>
<td>Long Term Forestry Review (ch. 3); Parks Level of Service Update (ch. 9)</td>
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<td>18-Mar-20</td>
<td>Ch. 11-Health; Logistical Chs.</td>
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<tr>
<td>1-Apr-20</td>
<td>LTF/Parks Follow Up; Ch. 11-Health Follow Up</td>
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<tr>
<td>15-Apr-20</td>
<td>Follow-Up; Final Questions; Request Public Hearing for 5-20</td>
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<td>6-May-20</td>
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<tr>
<td>20-May-20</td>
<td>Public Hearing on Continuing Items of Comp Plan</td>
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<tr>
<td>3-Jun-20</td>
<td>PC Follow-Up/Recommendation</td>
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</tbody>
</table>

*All dates are tentative and subject to change.