MEMORANDUM

TO: Thurston County Planning Commission
FROM: Maya Teeple, Senior Planner
DATE: February 5, 2020
SUBJECT: Comprehensive Plan Update: Mineral Lands Update Stakeholder Group

History of the Mineral Lands Stakeholder Group
In updating Thurston County’s Mineral Resource Lands designation map, policy, and code language, Thurston County Community Planning convened a stakeholder group of interested parties. Between April 2017 and October 2018 the mineral lands stakeholder group met 9 times to discuss several aspects related to the mineral lands update:

- Inventory and classification including information about quantity and quality of resources
- Options regarding the scope of designation and designation criteria
- Goals, objectives and policies related to mineral resources
- Chapter 3 background information for mineral resource lands
- Defining public parks and preserves
- Current permit processes and proposed Thurston County code changes

Through the hard work of the stakeholder group, Planning Commission, Board of County Commissioners, and other County Departments, the January 22, 2020 proposed options were developed. It should be noted that the role of the mineral lands stakeholder group was to engage the public and major interested parties related to mineral lands early and often throughout the public process, to serve as a sounding board, to stimulate discussion, and to develop alternative options. The 2017-2020 mineral lands stakeholder group was not a voting or consensus-based body. The following interest groups were regularly corresponded with regarding the mineral lands stakeholder meetings:

- Tribal
- Environment
- Water Resources
- Agriculture
- Industry Representatives
- Realtors
- Cities of Tumwater, Olympia, Lacey, Yelm, Rainier, and Tenino
- Washington DOT
- Washington DNR
- Interested Citizens
MEMORANDUM (2)

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Changes since last Planning Commission Meeting (1/22/2020)

The following changes have been made since the last Planning Commission meeting, based on Commissioner discussion.

Chapter 3 Changes

Based on Commissioner discussion, a request was made that new parks in future updates to the mineral lands resource designation map (Map N-2) should not remove designated mineral lands that fall within the 1,000 foot separation distance. Based on this discussion, the following new policies have been added to Chapter 3:

- At the time of any countywide update to the Designated Mineral Lands Map (Map N-2), in the event that new parks exist that were not previously excluded from the map and meet the definition of “public parks and preserves”, the County should exclude the park from the designated mineral lands map, but should also consider reducing or eliminating the 1,000 foot separation distance. This is based on the understanding that future parks are siting in a known designated mineral resource use area. (p. 3-38 clean, p. 3-38 redline)

- For the purposes of the Designated Mineral Lands Map (Map N-2), a “public park and preserve” is defined as the following: a park in the Thurston County Parks Layer that is at least 5 acres or larger, and is government owned, including public preserves, national wildlife refuges, habitat and wildlife areas, natural areas, state conservation areas, and developed or undeveloped parks used for passive or active recreation. This definition does not include the following: non-government parks, parks smaller than 5 acres, trailhead parcels, county-owned boat launches, county-owned trails, the off-road vehicle park, and the Evergreen State College. (p. 3-38 clean, p. 3-38 redline)

Thurston County Code Changes (17.20 TCC)

Based on Commissioner discussion, parcels that are designated as Long Term Agriculture (LTA) or Nisqually Agriculture (NA) should be surveyed prior to requiring a property to be returned to a state suitable for agriculture. Properties that are LTA/NA may not have prime farmland soils on the whole property. Current designation criteria states that a property “should include predominantly prime
farmland soils”. The Planning Commission recommended to include language stating that a soil survey be used to determine the extent of prime farmland soils. The following changes have been made:

- TCC 17.20.140(A)(9) - For land that is co-designated as Long Term Agriculture or Nisqually Agriculture, a soil survey shall be complete prior to the start of any mineral extraction activity. The rehabilitation plan shall include a plan to return the site, or portion of a site as determined by the soil survey, to a state suitable for agricultural use. The reclaimed site should contain similar physical and chemical characteristics for areas that include prime farmland soils based on the findings of the original soil survey.

Attachments:

- Attachment A – Excerpt of New Policies in Chapter 3, clean and redline
- Attachment B – Excerpt of Revised Code Change, 17.20.140(A)(9) TCC

The full versions of changes to Chapter 2, Chapter 3, and the Thurston County Code were provided with the 1/22/2020. Only page excerpts of changes are included in this packet. Before the Planning Commission Public Hearing, a full copy of chapters with all changes reflected will be provided.
e. At the time of any countywide update to the Designated Mineral Lands Map (Map N-2), in the event that new parks exist that were not previously excluded from the map and meet the definition of “public parks and preserves”, the County should exclude the park from the designated mineral lands map, but should also consider reducing or eliminating the 1,000 foot separation distance. This is based on the understanding that future parks are siting in a known designated mineral resource use area.

f. For the purposes of the Designated Mineral Lands Map (Map N-2), a “public park and preserve” is defined as the following: a park in the Thurston County Parks Layer that is at least 5 acres or larger, and is government owned, including public preserves, national wildlife refuges, habitat and wildlife areas, natural areas, state conservation areas, and developed or undeveloped parks used for passive or active recreation. This definition does not include the following: non-government parks, parks smaller than 5 acres, trailhead parcels, county-owned boat launches, county-owned trails, the off-road vehicle park, and the Evergreen State College.

**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.
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.

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Thurston County Community Planning and Economic Development Department

Community Planning Division

THURSTON COUNTY PLANNING COMMISSION DRAFT

Titles: 17.20, 18.04, 20.03, 20.30B, 20.54, and 20.60

February 5, 2020

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)

Deleted Text: Strikethrough
Proposed Changes: Underlined
Staff Comments: Italic
Unaffected Omitted Text ...

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.

Planning Commission Draft – Feb. 5, 2020
17.20.140 Rehabilitation and conservation requirements.

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

1. If a reclamation plan is not required by the Washington Department of Natural Resources (DNR), the applicant shall submit a rehabilitation plan in conjunction with the application for special use approval. The rehabilitation plan shall provide that rehabilitation activities, particularly those relating to control of erosion, shall, to the maximum extent feasible, be conducted simultaneously with surface mining. The rehabilitation plan shall also include measures to conserve topsoil onsite; interim reclamation for site stabilization, if necessary; post-reclamation erosion control measures; and a topographic map depicting the post-reclamation surface gradient.

2. Final contours shall reflect or harmonize with the natural contours of the adjacent land.

3. Rehabilitation shall include removal of all debris, temporary structures and stockpiles.

4. A layer of arable soil of sufficient depth to sustain grass, shrubs or trees shall be provided in those parts of the operation where required. The approval authority shall determine the appropriate restorative cover. Native grasses are preferred as a restorative cover where appropriate.

5. Water accumulating upon the site may be retained after the completion of such operation where the excavation cannot reasonably be drained by gravity flow; provided, that adequate provision shall be made to avoid stagnation, pollution and the danger of improperly controlled releases of such water from the site and danger to public, etc.

6. The rehabilitation plans shall be reviewed by the approval authority to insure compliance with all provisions of this chapter, and compatibility with relevant land use plans.

7. Plans may be amended from time to time by approval of the approval authority upon application by the owner.

8. Final rehabilitation shall conform to zoning regulations at the time of implementation.

9. For land that is co-designated as Long Term Agriculture or Nisqually Agriculture, a soil survey shall be complete prior to the start of any mineral extraction activity. The rehabilitation plan shall include a plan to return the site, or portion of a site as

Commented [MT2]: CHANGE SINCE 1/22/2020 DRAFT. This change is made based on Planning Commission comment at the 1/22/2020 meeting. Commissioner’s stated that parcels designated as LTA or NA may only have prime farmland soils on a portion of the property. A soil survey can help determine the types, locations, physical and chemical characteristics.
determined by the soil survey, to a state suitable for agricultural use. The reclaimed site should contain similar physical and chemical characteristics for areas that include prime farmland soils based on the findings of the original soil survey.

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 as 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.