MEMORANDUM

TO: Thurston County Planning Commission

FROM: Maya Teeple, Senior Planner

DATE: March 18, 2020

SUBJECT: Comprehensive Plan Update: Mineral Lands Revisions to Chapter 3 and the Thurston County Code

Background

The Thurston County Planning Commission resumed review of continuing items of the Comprehensive Plan on January 22, 2020. Since resuming, two work sessions have been held to discuss proposed amendments related to the mineral resource lands update on January 22, 2020 and February 5, 2020.

At the February 5, 2020 work session, several stakeholders mentioned they would like additional stakeholder meetings. At the request of those stakeholders and the direction of the Planning Commission, staff held two additional stakeholder meetings. Suggested changes are included in the attached drafts of Chapter 3 and the Thurston County Code.

Meeting Process

Community Planning staff followed up with the stakeholders who requested additional meeting time at the February 5, 2020 Planning Commission. After speaking with those individuals, the request was to hold a smaller, subcommittee sized group involving that represents interests equally but allows for more open dialogue among stakeholders.

Staff facilitated two additional meetings, each 2 hours, with 6 stakeholders at the table: Black Hills Audubon, League of Women Voters/Sierra Club, South of the Sound Community Farmland Trust, Weyerhaeuser, Miles Sand and Gravel, and Segale Properties. These meetings have minutes and audio recording available online at:

https://www.thurstoncountywa.gov/planning/Pages/comp-plan-meetings.aspx
Key Discussion Points from the Mineral Lands Stakeholder Subcommittee

**Continuous Noise Monitoring:** The subcommittee discussed the continuous noise option (in previous drafts, Option B-2), and concluded that if additional language was added to existing code language, the continuous noise option could be removed. Below is a summary of points raised regarding noise:

- Continuous noise monitoring is extremely expensive.
- There is one major provider for noise studies in the state.
- Time of operation is limited in the County Code (7am to 7pm).
- The WAC limits decibels at the property line.
- Safeguards could be placed in standard language to protect adjacent residential lands.
- Continuous noise monitoring needs to be defined better if it is kept.
- Continuous noise monitoring would require department change in how it’s handled and processed.

**Co-designation of Agriculture:** The subcommittee discussed co-designation of agriculture and noted that most areas of co-designation (mineral lands and agriculture) exist on perimeters of Long Term Agriculture blocks.

**Urban Growth Areas & 1,000 feet:** The stakeholder subcommittee felt that most unresolved issues were around the 1,000-foot separation distance (both parks and UGAs) that currently exists in the designation criteria of Chapter 3. Some stakeholders felt that this should be removed from the designation criteria, and that concerns such as setbacks from a park should be considered at the permitting stage and be site specific. Other stakeholders felt that this 1,000-foot separation distance is a needed protection and should be retained in the designation criteria. Staff reiterated that previous Board direction (July 2018) was to map mineral lands based on the existing designation criteria, with the exception of co-designation of agricultural lands.

The following points were raised in the discussion regarding the Urban Growth Area and 1,000-foot separation distance:

- Some mines exist within Urban Growth Areas and within the 1,000-foot separation distance.
- The subcommittee discussed that existing mines should be allowed to expand in this area, and some but not all stakeholders felt new mines should also be included.
- The subcommittee recognized that residential citizens from those areas were not at the table.

**Parks & 1,000 feet:** The stakeholder subcommittee spent a portion of the 2/26/2020 meeting and all of the 3/9/2020 meeting discussion parks. The subcommittee reached agreement on some items but not all related to this topic.
The following points were raised in the discussion regarding parks and the 1,000-foot separation distance:

- A map should be included showing the 38 parks that are receiving the 1,000-foot separation distance provided by the designation criteria.
- If a disruptive barrier exists in the 1,000-foot separation distance, mining should be allowed up to that barrier.
- Other uses are allowed within that area dependent on zoning, such as farming, timber, residential, and more.
- Parks, wildlife, and habitat need this protection because of concerns around lighting, water, and noise. Not all other uses impact these the same way as mineral extraction.
- Some parks are not used, and were donated by a mining company – industry should be able to mine within the 1,000-feet in those cases.

**Major Changes from the Mineral Lands Stakeholder Subcommittee Discussions**

The attached chapter and code reflect the changes discussed at the 2/26 and 3/9/2020 meetings.

**Continuous Noise Monitoring:** [page 24 of this memo] The subcommittee agreed (consensus among the 6) on eliminating the option for continuous noise monitoring, and add in to current language:

1) a required noise study for operations adjacent to residential areas,
2) that noise issues must be identified in 72 hours and have a plan for resolution in 60 days, and
3) that if after 2 years there are no compliance issues, monitoring may be reduced, but if there is a compliance issue it triggers quarterly monitoring again.

**Agriculture:** (chapter: page 7, 17-19 of this memo; code: page 25 of this memo) The subcommittee agreed (consensus among the 6) to the following changes around co-designation of agriculture and mineral resource lands. The following text is included in a new draft and would be included if Option A-2 (amend designation criteria to co-designate with agriculture) were the final selected option.

1) New background text added in to Chapter 3 around co-designation (SSCFLT).
3) New code language under 17.20.140(A) TCC as item (9) requested from Planning Commission, amended based on feedback from the South Sound Community Farmland Trust and industry.
Urban Growth Areas & 1,000 feet: (option D-3 on page 33 of this memo) The subcommittee agreed (consensus among the 6) to the following changes around allowing exceptions within the 1,000-foot separation distance from Urban Growth Areas:

1) Allow for expansion of existing mineral extraction operations to be considered for permitting within the undesignated 1,000-foot separation distance from Urban Growth Areas.
2) Allow for expansion of existing mineral extraction operations within the Urban Growth Area that are expanding outside of the Urban Growth Area within the undesignated 1,000-foot separation distance.

Parks & 1,000 feet: (option D-3 on page 33 of this memo) The subcommittee agreed (consensus among the 6) to the following changes around allowing exceptions within the 1,000-foot separation distance from public parks and preserves:

1) Allow for new or expanding mineral extraction operations to be considered for permitting within the undesignated 1,000-foot separation distance from public parks or preserves when there is an existing barrier, only up to that existing barrier. An existing barrier was defined as an industrial use, a public road, or an active railroad.

The subcommittee did not agree to the following changes allowing exceptions within the 1,000-foot separation distance from public parks and preserves:

1) The operation is a new or expanding mineral extraction operation and is proposing to operate within the undesignated 1,000-foot separation distance of a public park/preserve that was donated by the same operator. (option D-3 on page 33 of this memo)
2) Allow for expansion of existing mineral extraction operations within the undesignated 1,000-foot separation distance from a public park/preserve. (option D-3 on page 33 of this memo)
3) Policy or code language that protected non-governmental organization land trusts with a setback. (no sample text to date)

Attachments:
Attachment A – Chapter 3, redline
Attachment B – Mineral Lands Code Changes
Attachment C – Decisions Cheat Sheet (updated)

Full versions of all chapters are available at www.Thurston2040.com
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

The Growth Management Act defines "minerals" as gravel, sand, and valuable metallic substances (RCW 36.70A.030(12)). Other minerals may be designated as appropriate.
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;
- Air and water quality;
- Travel impacts;
- Surrounding residential densities;
- Habitat impacts;
- Other concerns.

To avoid these impacts, the county implements conditions and BMPs through the Special Use Permit process and Mineral Extraction Code. This ensures that mining operations are in keeping with public health and safety and environmental protection. Just as sand and gravel is a natural resource, so too is the groundwater and air quality the county depends on. The Special Use Permit process also ensures that mineral extraction is generally located away from incompatible land uses.

15 AESI, Mineral Resource Lands of Long-Term Commercial Significance Inventory Study, August 2017. In 2016, Thurston County contracted with Associated Earth Sciences, Inc. (AESI) to identify and classify mineral resources in the County and create a base inventory map showing the location of mineral resources. AESI developed a draft inventory and classification system largely based on data from DNR and USGS, with some supplementary information from Washington Department of Transportation and private studies. This inventory (Map N-3) identified 189,475 acres of land containing long-term commercially significant mineral resources, which were eligible to be considered for designation.
Noise, traffic and road impacts are also considered during the Special Use Permit Process. The movement of large amounts of mineral resource necessitates good roads capable of handling significant numbers of heavily-loaded trucks. Loaded trucks en route from the extraction site may lose a very small but potentially hazardous portion of their load, and track dirt or mud onto public roadways.

Existing, non-operating or abandoned mining sites pose a concern to many county residents. These sites may leave aquifers vulnerably exposed and invite illegal waste dumping. The reclamation process is an important process managed by DNR, and is required for all active and future mining operations. Several old and abandoned pits exist in the county from before mining was permitted and reclamation was required. The reclamation program helps to ensure that all lands and waters within the state are protected after mining is complete.

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.
- Mineral extraction sites to be restored as mining occurs.
- Non-operating or abandoned sites to be addressed.
- Mineral extraction to be located in rural, low density areas.

Co-designation of Long-Term Mineral Resource Lands and Long-Term Agricultural Lands

As a natural result of geologic forces, it is not uncommon in Thurston County to have quality mineral deposits located under prime farmland soils. Mining operations may result in temporarily breaking up the contiguous land base that is a central component of the Agricultural Lands of Long-Term Commercial Significance. Removing, stockpiling and spreading soil to allow for mining may create a risk to the productive capacity of prime farmland soils. There is a natural conflict between competing the two competing natural resource industries: agriculture and mining. While agriculture is a sustainable industry, mining relies on a fixed, non-renewable resource.

Allowing for co-designation of mineral lands and agricultural lands may be compatible, but it is critical that the identified land base for agricultural lands of long-term commercial significance not be jeopardized. Agricultural lands of long-term commercial significance are designated based on a number of criteria (see section III.E), one of which is a threshold of prime farmland soils on the property. This may mean that a parcel within the agricultural lands of long-term commercial significance designation has some portions of a parcel that are not as high-quality for farming as other parts of a contiguous block. Allowing mineral extraction on the edges of designated long-term agricultural lands may provide a valued use of the land when it does not break apart the contiguous designated land base for agricultural lands of long-term commercial significance.

D. DESIGNATING MINERAL RESOURCES OF LONG-TERM COMMERCIAL SIGNIFICANCE
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.

In order to meet state guidelines, Thurston County contracted with Associated Earth Sciences, Inc. (AESI) to identify and classify mineral resources in the County and create a base inventory map showing the location of mineral resources. AESI developed a draft inventory and classification system largely based on data from DNR and USGS, with some supplementary information from Washington Department of Transportation and private studies. This inventory identified 189,475 acres of land containing long-term commercially significant mineral resources, which were eligible to be considered for designation.

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.

Table 3-5. Acreage of Mineral Resource Lands in Thurston County

<table>
<thead>
<tr>
<th>Mineral Resource Lands</th>
<th>Acres of Land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previously Designated Mines (2019 and previously)</td>
<td>5,623 acres</td>
</tr>
<tr>
<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)</td>
</tr>
</tbody>
</table>

Commented [MT3]: Option A-1 represented in text. Option A-2 (142,170). Numbers may change over time – analysis will be re-ran and acreages updated before final adoption.

Commented [MT4]: As of current draft 1/22/2020. These acreages for MRL designation will be re-run and updated prior to final adoption.
Natural Resource Lands

THURSTON COUNTY COMPREHENSIVE PLAN

Adopted November 2019 Feb. 5Mar. 18, 2020 - PC Draft

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.**

**OPTION A-2**

**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.

3-25
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.

Commented [MT5]: Decision Point on Mineral Lands Update Option A-1 or A-2.

Both options are currently reflected in the Draft of Map N-2. Option A-2 would result in co-designation of mineral lands and agricultural lands on long-term commercial significance (more mrl acres). Option A-1 is the current designation criteria.

State law WAC 365-190-040 (7)(b) required co-designation of resource lands. If they are incompatible counties must determine which has the greatest long-term commercial significance.
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.

Commented [MT6]: The stakeholder subcommittee suggested adding in a map of the 38 parks protected with a 1,000 foot separation distance, in-text to the Chapter.

Commented [MT7]: This section provides general information on designating a property as a mineral land, with details on submittal requirements in the policies.
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 mineral resource lands that meet 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 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 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.

   - 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 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
Natural Resource Lands

THURSTON COUNTY COMPREHENSIVE PLAN

Adopted November 2019
Feb. 5, Mar. 18, 2020 - PC Draft

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-1). 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. Designation of 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.

6. 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. 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.

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)?
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.

5. 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.

6. 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. This is displayed on the in-chapter map located on page 3-27.

7. Mineral lands and Agricultural lands of long-term commercial significance may be co-designated when mining would not negatively impact the contiguous land base of designated agricultural lands, and when the co-designated land is contiguous with adjacent mineral lands.

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 (RCW 36.70A.060).

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.
8. Mineral extraction on designated agricultural lands should be avoided until the soils can be restored to their original productive capabilities, as identified in a soil survey, as soon as possible after mining occurs.
9. Accessory uses to mining (crushing, screening, or washing) should only be located on adjacent mineral lands that are not co-designated with long-term agriculture.

Commented [MT28]: New policy added in to reflect notification of property owners. Specific regulations are in the code. Reviewed with mineral lands stakeholder group. Language drafted based off of existing Snohomish County policy.

Commented [MT29]: New policy recommended by consultant.

Commented [MT30]: New policy developed from Whatcom County’s mineral lands policies.

Commented [MT31]: New policy reviewed through the Mineral Lands Stakeholder group.

Commented [MT32]: New Policy developed from Whatcom County’s mineral lands policies

Commented [MT33]: New addition based on stakeholder subcommittee (2/26) (language from SSCFLT, with minor edits)

Commented [MT34]: New addition based on stakeholder subcommittee (2/26) (language from SSCFLT, with minor edits)
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.

5. In areas of co-designated mineral lands and agricultural lands, post-reclamation of mineral extraction sites should maintain the long-term agricultural use and should occur in a timely fashion.

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 site.

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

5. Prime and unique farmland (as defined by the Natural Resources Conservation Service) shall not be used for mineral or soil mining purposes.

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

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

8. Proposed mining activities shall not alter significant geologic features such as Mima mounds.

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

10. Mineral extraction activities shall not negatively affect nor endanger surface and ground water flows and quality.

11. County information on the location and quality of mineral resource deposits should be updated as information becomes available from the Department of Natural Resources, United States Geological Survey or other licensed geologist. This information can be useful in planning for future designations of mineral resource lands of long-term commercial significance.

Commented [MT40]: Policy retained, and is new Policy 7.B.2

Commented [MT41]: Policy retained, and is new policy 7.B.3

Commented [MT42]: Policy retained, and is new policy 9.A.2

Commented [MT43]: This policy has been removed. If this remains a criterion it will be in the designation criteria.

Commented [MT44]: Policy retained, and is new policy 7.B.4

Commented [MT45]: Policy retained and moved to new policy 8.A.2

Commented [MT46]: This policy is revised and is now policy 8.A.6

Commented [MT47]: Policy retained, and is new policy 8.A.3

Commented [MT48]: Policy retained, and is new policy 8.A.5

Commented [MT49]: Policy revised, and is new policy 7.A.1
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.
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 cleanup 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.

17.20.080 - Domestic water supplies.

If any gravel mining operation or asphalt plant causes the water quality of any domestic water supply to fail to meet the drinking water quality standards of WAC 246-290, as amended, the mine or asphalt plant owner shall remedy the effect of the operation on the water supply through monetary payment to the water system owner, the provision of treatment methods and devices that are approved by the state department of health, or other correction of the specific water quality problem. This mitigation shall be approved by the health officer designated authority and the state department of health.

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

A. Noise levels shall comply with WAC 173-60. The operator shall ensure that noise levels are monitored by a technician with the qualifications contained in WAC 173-58, or acceptable qualifications as determined by the health officer designated authority, using instruments that meet the qualifications of WAC 173-58, at the property boundaries, at least quarterly after the initiation of the mining or other permitted activity. Monitoring shall be conducted during normal operating conditions and periods. The department may reduce the quarterly requirement for noise monitoring after 2 years of compliant noise monitoring with no violations. If there are more than two identified noise violations within 1 year, noise monitoring shall return to quarterly. Noise monitoring reports shall be provided to the health department and the community planning and economic development resource stewardship department. Mineral extraction and asphalt plant activity within the residential zoning districts of the county shall be considered a Class "A" EDNA pursuant to WAC 173-60-030 (2), the state noise standards. If the noise levels exceed the levels permitted by WAC 173-60, the health department or the resource stewardship community planning and economic development department may take any enforcement measures necessary to ensure compliance with WAC 173-60.

B. The approval authority may require additional measures to control noise, such as placing rubber or urethane screens and liners or crushing and screening equipment, equipping loaders and dozers with ambient-sensitive back-up alarms, or muffling engine noise, if site conditions or the site's proximity to residential zoned properties or residential uses warrants them.

C. In the event of a noise complaint, operators shall have up to 72 hours to identify the noise issue, and up to 60 days to identify action needed to correct the noise issue and develop an implementation plan for correction.

D. All mineral extraction operations adjacent to a residential zone shall conduct an environmental noise assessment prior to permitting that identifies existing environmental noise. The assessment shall also identify potential operational noise, impacts, and mitigative measures.

E. Noise monitoring reports shall be retained by the operator for a minimum of a 7-year period, and available upon request of the designated authority. Fees may be assessed for failure to provide noise monitoring reports.
17.20.140 - Rehabilitation and conservation requirements.

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

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

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

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

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

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

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

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

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

9. For land that is co-designated as Long Term Agriculture or Nisqually Agriculture, the land owner must secure from the Thurston Conservation District a certified conservation plan with a baseline analysis documenting standardized qualitative and quantitative evaluation of soils and a post-mining plan update. The baseline and post-mining soil survey shall include soil nutrient testing, measures of organic matter percentage, cation exchange capacity, pH, soil particle size, and available water capacity, plus a visual evaluation of soil health. Post-mining plans shall
include the same metrics with a goal of reclaimed soils being in the same range (or better) than on the baseline test.

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

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

17.20.200 - Hydrogeological report.

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

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

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

C. Source(s) and receptor(s) of physically available water, including:
   i. The mine’s water sources, including groundwater and surface water;
   ii. Surface water such as creeks, rivers, lakes and wetlands receiving water from or affected by proposed activities; and
   iii. Sensitive receptors, such as wetlands, habitat, lakes, streams, ponds affected by the proposed activities.

D. Identify and address impacts to existing water users, including:
   i. Identification of all nearby water rights;
   ii. Quantify a range in volume of water that may be affected by proposed activities;
   iii. The requirements of section 17.20.200(D) are satisfied if the applicant/owner can show proof of a state issued water right permit that authorizes all water uses being proposed for the activity.
E. B. Locations of existing wells within one thousand feet of the excavation boundary. Well information including well logs, static water level, well depth, well elevation, estimated withdrawal rate and other relevant information shall be included as it may be available;

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

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.
ATTACHMENT – B: Thurston County Platting & Subdivision Ordinance (Title 18)

Chapter 18.04 - GENERAL PROVISIONS

...  

18.04.055 - Resource use notice.

**OPTION (C):**

**OPTION C-1**

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.
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.

RCW 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.

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

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

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

...

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

...
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):

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. Excavation and processing of minerals is allowed on undesignated lands under the following exceptions:

   a. The extraction and processing of rock and gravel exclusively for forest practices shall be permitted in the Long Term Forestry (LTF) zone, pursuant to chapter 76.09 RCW.

   b. Existing, legally established non-conforming mineral operations will be allowed to continue subject to the provisions and requirements of chapter 20.54 TCC and 17.20 TCC.

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

Planning Commission Draft – Mar. 18, 2020
auditor. Excavation and processing of minerals is allowed on undesignated lands under the following exceptions:

a. The extraction and processing of rock and gravel exclusively for forest practices shall be permitted in the Long Term Forestry (LTF) zone, pursuant to chapter 76.09 RCW.

b. Existing, legally established non-conforming mineral operations will be allowed to continue subject to the provisions and requirements of chapter 20.54 TCC and 17.20 TCC.

c. Expansion of existing legally established and maintained mineral operations onto adjacent undesignated land, including within the 1,000-foot separation distance from an Urban Growth Area or 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].

**OPTION D-3**

20.30B.015 – Applicability.

1. Excavation and processing of minerals is allowed only on mineral resource lands (MRL) of long-term commercial significance designated in the comprehensive plan, or mining claims officially recognized by the state or federal government and recorded with the auditor. Excavation and processing of minerals is allowed on undesignated lands under the following exceptions:

a. The extraction and processing of rock and gravel exclusively for forest practices shall be permitted in the Long Term Forestry (LTF) zone, pursuant to chapter 76.09 RCW.

b. Existing, legally established non-conforming mineral operations will be allowed to continue subject to the provisions and requirements of chapter 20.54 TCC and 17.20 TCC.

c. Expansion of existing legally established and maintained mineral operations onto adjacent undesignated land when:

   i. The operation is an existing legally established mineral operation. “Existing” as used in this provision means a mineral operation that is in existence prior to [insert adoption date here]. AND:
ii. All expansions are subject to the provisions and requirements of the Thurston County Code at the time the department receives a complete permit application for expanded operation. AND;

iii. The operator shall prove that mineral resources exist prior to any expansion on any undesignated lands. AND;

(A). A portion of the existing operation is on a designated mineral resource land and the operation is expanding into the undesignated 1,000-foot separation distance from an Urban Growth Area. OR;

(B). The operation is an existing operation within an Urban Growth Area and is expanding outside of the Urban Growth Area, within the undesignated 1,000-foot separation distance. OR;

(C). A portion of the existing operation is on a designated mineral resource land and the operation is expanding into the undesignated 1,000-foot separation distance from a public park/preserve. OR;

(D). A portion of the existing operation is on a designated mineral resource land and the operation is expanding onto undesignated lands within the rural unincorporated county that is not undesignated due to a 1,000-foot separation distance.

d. New or expanding mineral operations onto undesignated lands within 1,000-foot separation distance from a public park or preserve up to an existing barrier, when a portion of the operation is on a designated mineral resource land. A barrier as used in this provision is an active railroad, a public road, or an active industrial use. The operation may only apply for permitting on undesignated lands up to the barrier on the side of which the barrier borders the public park and preserve. The 1,000-foot separation distance still applies on all other sides without a barrier.

c. New or expanding mineral extraction operations proposing to operate within the undesignated 1,000-foot separation distance of a public park/preserve, when that public park/preserve was donated by the same operator. The operator shall provide deed or other documentation showing donation of the parkland.

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 3 is a new stakeholder formed option that would allow for specific exceptions of expansion onto undesignated lands, and is more flexible than option 2 because it allows for "new" and expanding in two specific circumstances.
OPTION (E):

2. 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. 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, 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 precondition 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 precondition 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.

20.30B.020 - Designation of existing mineral lands.

   Mineral extraction operations from 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-1

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.

**OPTION D-3**

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 if the operation meets criteria under 20.30B.015 TCC, under the requirements of this chapter. Nothing in this chapter shall be construed as preventing the ongoing operation of existing, permitted mines in Thurston County in accordance with their DNR and/or special use permit conditions. However, expansion of existing, permitted mineral extraction operations will require designation pursuant to this chapter and will require a new special use permit pursuant to Chapter 20.54 and are subject to the requirements of the Thurston County Code at the time the department receives a complete permit application for expanded operations. Legal nonconforming mines are allowed to continue pursuant to any and all laws that apply to such mines.

2. The county will review individual designation applications through the Comprehensive Plan amendment process. The county will periodically update the Mineral Resource Lands Inventory map and the Designated Mineral Resource Lands map as specified in the Thurston County Comprehensive Plan.

3. Upon approval, all designated mineral resource lands shall be mapped on the "Official Designated Mineral Resource Lands" map and shall accompany the "Official Thurston County Zoning Map," on file in the County.

4. In addition to the mapping requirements, mineral resource lands designation shall be provided as a written statement of the actual survey corners of the land being designated.

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; option 3 is updated language to pair with a new stakeholder recommended option.

20.30B.030 - Designation criteria.

1. Criteria for Designation. A mineral extraction site may be designated as mineral resource lands if it meets all of the following criteria:

a. The site must be mapped in the Mineral Resource Inventory and contain nonstrategic minerals which are minable, recoverable, and marketable under the technologic and economic conditions that exist at the time of application for designation or which can be estimated to exist in the foreseeable future as determined by a licensed professional geologist. In determining whether minerals are minable, recoverable, and marketable, the county will consider the guidelines in Washington Administrative Code Section 365-190-070, as amended.

b. The site must meet the minimum designation criteria for mineral resource lands in the Thurston County Comprehensive Plan.
b. At least sixty percent of the area within one thousand feet of a site must have parcels five acres in size or larger at the time of the application for designation (see Appendix Figure 18) excluding parcels less than five acres in size owned by the applicant.

c. An area proposed for mineral resource lands designation shall be at least five acres.

d. The site shall be separated by a distance of at least one thousand feet from public preserves, which include parks, national wildlife refuges, state conservation areas, wildlife areas, and other government-owned preserves, but excluding exclusive hunting areas. In addition, designated mineral resource lands shall be at least one thousand feet from urban growth areas.

e. Designated mineral resource lands may include lands designated for long-term forestry.

f. Critical Areas: Critical areas will be examined at the time of designation review using the county’s geographic information system. The applicant may be required to provide detailed information (such as a wetland delineation, habitat evaluation, or geotechnical report) prepared by a qualified expert to clarify county mapping of critical areas. A more comprehensive critical areas review will be done at time of permitting.

   i. Mineral resource lands shall not be designated within the Zone 1 (one-year) or Zone 2 (five-year) horizontal time of travel boundaries for any Group A public water system.

   ii. Mineral resource lands shall not include category (class) one (1) or two (2) wetlands or their protective buffers, but may include category (class) three (3) and four (4) wetlands.

   iii. Mineral resource lands shall not include agriculture lands of long-term commercial significance, or historical/cultural preservation sites, and any Federal Emergency Management Agency (FEMA) one-hundred-year floodplain.

   iv. Mineral resource lands shall not include habitats of primary association to species listed as endangered or threatened under the Endangered Species Act or state law and their buffers as established by the critical areas ordinance at the time of designation.

   v. Mineral extraction activities shall not negatively affect nor endanger surface and ground water flows and quality.

   vi. Mineral resource lands shall be located away from geologically hazardous areas such as marine bluffs, the bluff area in the Nisqually Hillside Overlay, or areas that would cause a public safety hazard, but may include steep and/or unstable slopes as provided by the critical areas ordinance.
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.04045 - 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.
   c. A report and any associated maps developed by a licensed geologist to provide evidence of the marketability and threshold value of the mineral deposit.
   d. 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-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.
OPTION D-3
20.30B.050 - Mineral extraction protection.

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

2. An owner or occupier of real property for which notice has been given pursuant to Chapters 14.17, 14.18 14.20, 14.44 or 18.04 TCC may not be limited in bringing a private nuisance claim against a protected, legally operating mine.

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; option 3 is updated language to pair with a new stakeholder recommended option.

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 1/2 | R R 1/1 0 | R R 1/1 5 | U R L 1/1 5 | U R L 1/1 2 | R L 1/1 2 | R L 1/5 | R 1/6 | L R 1/1 2 | R 4 1/6 1 | I L P N C | R C C A H C S 1 M G 2 L T P M A O D |
|----------------|-------|-----------|-----------|-------------|-------------|----------|--------|-------|----------|----------|--------|-----|-----|-----|
| 21 Mineral extraction | X | X | X | X | X | 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.
ATTACHMENT – F: Thurston County Zoning Ordinance (Title 20)

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

Thurston County Zoning Ordinance

<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</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>✓</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>✓</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 and Mineral Lands Code Changes - 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, allowing into the 1,000 feet from UGAs and parks</td>
</tr>
<tr>
<td>A-2  Change criteria to co-designate 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 of existing mines onto undesignated MRL, including areas in the 1,000-foot separation distance from UGA and Parks.</td>
<td>E-2  If any portion is designated, the whole parcel is considered &quot;designated&quot; for permitting purposes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>D-3 (NEW) Stakeholder developed hybrid option (allow for expansion/new into 1,000 feet in specific scenarios)</td>
<td>E-3  The entire parcel must be mapped to be permitted</td>
</tr>
</tbody>
</table>

**Note:**
- **D-3 (NEW)**
  - Stakeholder developed hybrid option (allow for expansion/new into 1,000 feet in specific scenarios)