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RESOURCE STEWARDSHIP DEPARTMENT

Creating Solutions for Our Future

Joshua Cummings,
Interim Director

MEMORANDUM (4)

TO: Thurston County Planning Commission

FROM: Maya Bühler, Associate Planner
Allison Osterberg, Senior Planner

DATE: November 9, 2017

SUBJECT: Comprehensive Plan Update - Mineral Resource Lands: Responses to PC Questions from October 18 & November 1, 2017 Meeting

The following questions and comments were brought up by the four planning commissioners at the October 18, 2017 meeting, and again at the planning commission meeting on November 1, 2017. Answers to these questions are below.

Public Parks, Preserves, & Buffers

1. *There is a long list included in which the 1,000 foot buffer applies to (public preserves, parks, national wildlife refuges, state conservation areas, wildlife areas, and other government preserves). Would this apply to HCP properties that the County buys?*

HCP properties could potentially be included. Individual HCP properties would more likely fall under “habitat” criteria than the parks & preserves criteria. Current individual HCPs are not removed from the current designation criteria map (1) or the habitat map (5a and 5b). Larger areas that are acquired by the County, such as Mazama Meadows, would fall under “public preserve” and may be included in the parks & preserve criteria with a 1,000 foot buffer.

2. *Why 1,000 feet? Some planning commissioners stated it should be site-specific.*

1,000 feet was a recommendation by the Mineral Lands Task Force. The 1,000-foot buffer helps to protect areas from noise, dust, traffic, vibrations, view, etc. Some members of the MLTF felt that it should be a site-specific determination. This concern also has been raised in the Mineral Lands Stakeholder Group in meetings held in 2017.

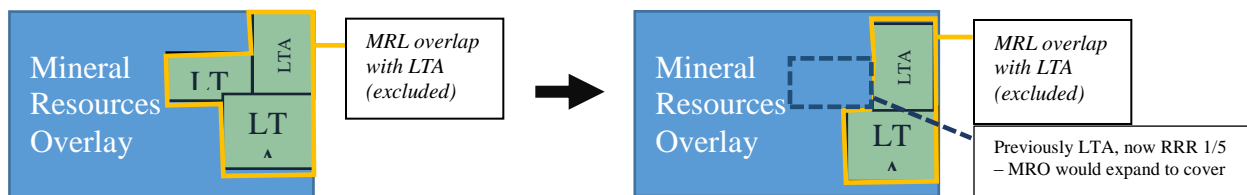
3. *How much of the mineral lands inventory is removed by the 1,000-foot buffer of public preserves, parks, national wildlife refuges, state conservation areas, wildlife areas, and other government preserves?*

Approximately 5,914 acres of mineral lands are excluded from the 1,000-foot buffer criteria. Of that acreage, 1,370 acres are excluded from the baseline due to other criteria, meaning 4,543 acres are excluded only because they lie within the 1,000-foot park buffer.

Co-designation of Long Term Agriculture and Mineral Resource Lands

4. *If we exclude LTA now and that zone changes, what would the update process for Mineral Resource Lands be?*

If we use Long Term Agriculture zone as an exclusionary criteria, then we will need to update the Mineral Resource Lands overlay every time the LTA zone changes (if it overlaps with the mineral resource lands overlay). For example, if LTA increases and overlaps with the MRL overlay, then we would need to remove that portion of overlay for which LTA is expanded to. Alternatively if LTA zone decreases, and was previously overlapped with inventoried mineral lands (that were removed based on LTA as an exclusionary criteria) then we would need to update and expand the MRL overlay (see below). If we choose to exclude LTA, we would need to put together a record that shows why they aren't compatible, and why agriculture is more economically important.



As part of this update, we will have to build in a process on how often we update the Mineral Resource Lands Overlay. This may be an annual process. Alternatively, it could be updated with each GMA Comprehensive Plan cycle (7-years). The Mineral Lands Task Force recommended (B-3) that the Comprehensive Plan Amendment process be used for updating, and one member wanted to restrict new designation to only every 7-years with the GMA periodic review.

5. *If we co-designate for Long Term Agriculture, how do we re-examine it if the zone changes?*

If we co-designate Long Term Agriculture and Mineral Resource Lands, we would not have to update the Mineral Resource Lands Overlay if and when the Long Term Agriculture zone changes. This is because even if the Long Term Agriculture zone increases in areas of MRL overlay, they would both be designated resource uses for that area, and the mapping of each

would be independent of each other. Inclusion or exclusion of Long Term Agriculture would only be re-evaluated if the designation criteria was updated.

Other Questions

6. *How does Snohomish currently designate mineral lands?*

Snohomish County inventoried their mineral resources in 1999 and updated their mineral resource overlay in 2006. Snohomish County designated 131,000 acres of the 177,000 acres that were inventoried (approximately 75%). Their designated mineral lands currently represents all of the mineral resource deposits in the county which meet the criteria for volume, quality and extractability; are under county jurisdiction and not slated for more intensive urban development; and are located in predominantly undeveloped, low density rural or forest areas where incompatibility issues have been addressed. The exclusion criteria included consideration for legal, environmental and policy conflicts such as urban growth areas, tribal lands, land located within a 300-foot Chinook salmon /Bull Trout corridor, and designated agriculture land.

Per the Snohomish County Comprehensive Plan, mineral extraction can occur on designated commercial forest lands (8.C.3), and policies under 9.A:

9.A.1. The county shall use the “Prospect Identification and Preliminary Classification” inventory report and maps completed December 1998, and as subsequently revised and updated based on further site-specific geologic data, to identify sand, gravel and bedrock re-sources potentially eligible for designation as mineral resource land. Determination of eligibility for designation considers the following criteria: physical properties of the resource including quality and type; depth of the resource; depth of the overburden; and life of the resource.

9.A.2. The county shall exclude selected mineral resources identified on the inventory from potential designation because of legal, environmental or policy conflicts. Lands which shall be excluded are those:

- a. located within incorporated city, Urban Growth Area, or National Forest boundaries;
- b. identified as Tulalip Tribal Trust Lands;
- c. developed at densities greater than or equal to 0.15 lot per acre (average lot size of 6.67 acres) in neighborhoods with 5 or more homes;
- d. containing hard-to-replace public facilities (cemeteries, schools/colleges, hospitals, libraries, parks and trails);
- e. designated Riverway Commercial Farmland, Upland Commercial Farmland, or Local Commercial Farmland by the Snohomish County comprehensive plan;
- f. designated as a shoreline environment by the Snohomish County Shoreline Management Master Program;
- g. located within a 300-foot Chinook Salmon/Bull Trout corridor;
- h. located within a 100-year floodplain;
- i. isolated islands less than 10 acres, except as provided in 9.A.3; and/or

- j. land with 5-acre or smaller underlying land use designation and/or zoning, except in cases in which the landowner requests mineral resource designation and the site otherwise meets the criteria in 9.A.1 and 9.A.2.

Excavation and processing of minerals is limited to lands within the MRO (Thurston County's is the same). Applications for outside the MRO will not be considered except when it is within a National forest, or is an existing mine expanding onto an adjacent parcel. To protect future access, subdivision is prohibited for parcels zoned R-5 which are entirely in the MRO. Subdivision of R-10 or R-20 requires rural cluster subdivision, open space provisions and adequate setbacks.

7. How does Mineral Resource Designation affect the tax value of a property?

Tax value is not affected directly by designation or zoning. Tax values of a property are determined by property characteristics (size, age, style, quality and condition) and current activity in the real estate market. Each year, approximately one-sixth of the County is physically inspected, along with a large number of sale transactions to update characteristics about building and land. Zoning and/or designation does not affect the property characteristics and surrounding real estate market.

Response from Assessor's Office, Senior Property Control Analyst Sherrie Bush, November 7, 2017: *Does Designation affect the value of a property?* Resource designation or zoning does not change market value of a property. For residential properties, we view vacant land as a single developable site, until it is platted for development. The value does not change according to zoning classification. If a property had significant mineral rights, it would not be valued until the minerals are extracted. At that point it would be valued commercially. Timber is taxed separately by the State, and may not be valued for property tax purposes. Agricultural land is valued as vacant land. Many of the parcels with the resource designations are government exempt or in a current use program. We carry a market value, but these properties may be exempt from taxes or pay taxes related to being in a current use program. If the property is not exempt, or in current use they carry a market value like any other property within that neighborhood that may not be in a resource designation zoning.

Would designation or zoning affect the taxes collected on the property? Property tax is based on the assessed value times a levy rate less any applied exemption program calculations. Levy rates are calculated from an aggregate of multiple district budgets. Exemptions are applied to properties who meet the qualifications of a state exemption program.

8. What is the cost to become designated if you aren't currently? Cost of SEPA?

Currently, if you are not a designated Mineral Resource Land, and you would like to become designated, a comprehensive plan amendment is required. This same process would be required if you were not designated as a mineral land through this update, and wanted to apply to become

so. The first step is being added to the Official Docket, and a docketing review charge of \$546 is due at time of the application. If the request is placed on the docket, the review fee for a Comprehensive Plan Amendment (that is not a site-specific rezone) is \$4,027, based on the 2017 fee schedule. This only covers the base hours: 16 hours for resource stewardship, 2 hours for environmental health, and 5 hours for the public works department. Any additional hours are billed on a monthly invoice and based on the hourly rate. In addition, an Environmental Checklist, required for State Environmental Policy Act (SEPA) review of Comprehensive Plan Amendments costs a base fee of \$4,406 (2017 fee schedule) is due at the time of application.

9. What is the overarching goal of the mineral resource lands designation for Thurston County?

Currently, the overarching goal of mineral resource land designation is to “assure availability of minerals for future uses, and to not inadvertently preclude access to available mineral resources due to incompatible development” (WAC 365-190-070(2)). Additionally, the following goal is identified for the natural resource industry in WAC 36.70A.020(8):

“(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.”

Thurston County identifies goals in our current comprehensive plan for mineral resources (chapter 3), including:

1. Mineral resource lands of long-term commercial significance should be allowed to be used by extraction industries, with minimal harm to the environment.

10. What will the update process look like?

We will build in the update process as part of the comprehensive plan update further on in the process. This could be an annual process, or an update as part of the periodic GMA Update Cycle for the comprehensive plan (7 years).