

STAFF REPORT

Mineral Lands GMA Compliance Issue

Date: April 20, 2011

Public Hearing Date: TBD

Prepared by: Olivia Story,
Assistant Planner

Proponent/Applicant: Thurston County

Action Requested: Amend Chapter 20.30B.030 of the
Thurston County Code to change
the mineral lands designation
requirements in Thurston County.

Location: Areas designated mineral resource
lands of long term commercial
significance.

- Map Changes Text Changes Both Affects Comprehensive Plans/documents
 Affected Jurisdictions

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PURPOSE:

The intent of the preliminary staff report is to:

- Provide the Planning Commission with sufficient background information to objectively hear public testimony in the context of proposed amendments,
- Allow the Planning Commission to make informed recommendations to the Board of County Commissioners (Board).

ISSUE:

- Subsection 20.30B.030(1)(d) in Chapter 20.30B.030 for mineral lands designation, requires a mineral lands designation applicant to provide a Department of Natural Resources (DNR) Surface Mining Reclamation Permit prior to designation.
- DNR will not issue a Surface Mining Reclamation Permit without county approval that (1) the proposed subsequent use of the site is consistent with the local land use designation (RCW 78.44.091(1)(a); and (2) the proposed mine is approved under local zoning and land use regulations (RCW 78.44.091(4), leaving the applicant in a “catch-22” situation.

BACKGROUND:

- In October 2003, the Board passed Ordinance No. 13030. The interim ordinance prohibited the designation of mineral lands of long term commercial significance, and the permitting of new mineral extraction or asphalt plants.

- 1 • The Planning Commission held work sessions throughout 2009, as well as a public hearing
- 2 on November 18, 2009.
- 3 • On February 17, 2010, the Planning Commission recommended approval of the draft
- 4 ordinance.
- 5 • A SEPA checklist was issued on November 8, 2008.
- 6 • By June 18, 2010, DNR responded to the SEPA checklist, making comments regarding the
- 7 mineral lands designation criteria, specifically, the inconsistency for reclamation permit
- 8 requirement. Staff's intention was to consider the recommendation and make the necessary
- 9 changes. Unfortunately, the changes were inadvertently left out.
- 10 • The final draft ordinance was approved by the Board on September 7, 2010 without the
- 11 necessary changes.

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13 **PROPOSED TEXT CHANGE:**

14 Amend Section 20.30B.030 to read as follows:

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16 **20.30B.030 Designation criteria.**

17 1. Criteria for designation. A mineral extraction site may be designated as mineral resource

18 lands if it meets all of the following criteria:

19 ...

- 20 ...
- 21 ~~d. The mineral extraction site must have a special use permit if required by Chapter~~
- 22 ~~20.54 unless otherwise specified in Section 20.30B.035. Designation approval shall~~
- 23 ~~be contingent upon issuance of reclamation permit from the Washington State~~
- 24 ~~Department of Natural Resources.~~

25 ...

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27 **OPTIONS:**

28 **Option 1: Forward the draft with a recommendation of approval.**

29 With this option, DNR comments would be addressed, and amendments may be made to Subsection

30 20.30B.030(1)(d) of the Thurston County Code to address issues regarding the DNR reclamation

31 permit requirement. A public hearing would be required prior to a recommendation.

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33 **Option 2: No action**

34 With this option, the Planning Commission would recommend that no changes be made to Chapter

35 20.30B.030 in regards to DNR reclamation permit requirements.

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37 **STAFF RECOMMENDATION:**

38 Staff recommends the Planning Commission select Option 1 and forward with a recommendation,

39 the draft regulations to the Board for consideration.

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41 **ATTACHMENTS:**

- 42 A. DNR SEPA comments.
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48 briefings\April 20, 2011 mineral lands GMA compliance issues

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