

THURSTON COUNTY

W A S H I N G T O N  
SINCE 1852

COUNTY COMMISSIONERS

Cathy Wolfe

District One

Sandra Romero

District Two

Karen Valenzuela

District Three

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**PLANNING DEPARTMENT**

*Creating Solutions for Our Future*

Scott Clark

Director

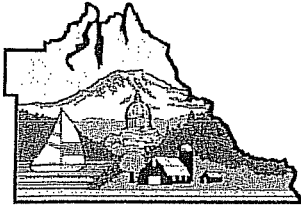
**PLANNING COMMISSION  
MINERAL LANDS GMA COMPLIANCE  
PUBLIC HEARING**

Individuals wishing to speak on Public Hearing items need to sign in on the sheet provided for that purpose upon entering the public hearing room, and mark the appropriate box indicating a desire to speak. When the Planning Commission addresses that specific item, anyone wishing to offer comments will be permitted up to three (3) minutes to offer his or her statement to the Commission regarding the proposed amendment. Any deviation of the above time limit must be approved by the Commission before commencing any presentation by members of the general public.

At the conclusion of the public hearing, the Planning Commission may discuss the proposed amendments, make changes, or make a decision.

The decision of the Planning Commission is advisory to the Thurston County Board of Commissioners. Following the recommendation by the Planning Commission, the proposed amendments to the Thurston County Code will be forwarded to the Thurston County Board of Commissioners for final consideration.

Any meetings, open houses, or public hearings will be advertised as required by the Thurston County Code, RCW 36.70A The Growth Management Act, or other applicable state laws.



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**Tab 1.** Public Hearing Notice

**Tab 2.** Staff Report

# Public Hearing Notice

**NOTICE OF PUBLIC HEARING  
FOR THE THURSTON COUNTY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Thurston County Planning Commission will hold a public hearing on Wednesday, June 1, 2011 at 7:00 p.m., or soon thereafter, in Room 129, Superior Court, Building 2 of the Thurston County Courthouse Complex, 2000 Lakeridge Dr. SW, Olympia, WA 98502. The purpose of the hearing is to accept public comment on proposed amendments to subsection 20.30B.030(1)(d) of the Thurston County Code to address issues regarding the DNR reclamation permit requirement. Subsection 20.30B.030(1)(d) requires a mineral lands designation applicant to provide a Department of Natural Resources (DNR) Surface Mining Reclamation Permit prior to designation. However, DNR will not issue a Surface Mining Reclamation Permit without county approval. The proposed changes will correct this requirement, and not require a DNR permit prior to designation. A DNR permit will still be required once the applicant requests a special use permit.

Hard copies of documents relating to this public hearing are available at the Thurston County Development Services Department, Permit Assistance Center, 2000 Lakeridge Drive SE, Olympia, Washington 98502.

Those wishing to testify should appear and be heard. If unable to attend, written comments may be submitted by June 1, 2011 to Olivia Story, Assistant Planner, Thurston County Courthouse, 2000 Lakeridge Drive SW, Olympia, Washington, 98502 no later than the closing of the public hearing. If you need special accommodations to participate in this hearing, call (360) 754-4001 and ask for the ADA Coordinator. Citizens with hearing impairments may call the TDD line at (360) 754-2933.

DO NOT PUBLISH BELOW THIS LINE

**Publish:       The Nisqually Valley News– May 13, 2011**

# Staff Report

**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 ...

- 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.
- 43
- 44
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- 46

47 O:\Track\LONG RANGE PLANNING\Mineral Lands\Planning Commission\2011 PC

48 briefings\April 20, 2011 mineral lands GMA compliance issues

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