

PLANNING COMMISSION PUBLIC HEARING ON GROWTH MANAGEMENT HEARINGS BOARD COMPLIANCE - MINERAL LANDS

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 Commission may discuss the applications, make changes, or make a recommendation.

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.

Tab 1. Public Hearing Notice

Tab 2. Draft Ordinance

Tab 1. Public Hearing Notice

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

The Thurston County Planning Commission will hold a public hearing on February 8, 2012 at 7:00 p.m., in Room 152, Building #1, of the Thurston County Courthouse Complex, 2000 Lakeridge Drive SW, Olympia, Washington, 98502. The purpose of the hearing is to accept public comment on the draft regulations relating to the designation of mineral resource lands criteria as required by the Western Washington Growth Management Hearings Board Final Decision Order. The proposed changes include:

Thurston County Comprehensive Plan: Amending the designation criteria in Chapter 3 Natural Resources for Mineral Lands of Long Term Commercial Significance, and other related amendments.

Title 20, Zoning: Amending Chapter 20.30B Designated Mineral Lands to amend the designation criteria and for other related amendments to ensure consistency with the Thurston County Comprehensive Plan.

The Planning Commission will go into a work session at the conclusion of the hearing. The draft changes are available for review at the Thurston County Permit Assistance Center in the Thurston County Courthouse, and online at www.thurstonplanning.org

Those wishing to testify should appear and be heard. If unable to attend, mailed and email comments must be received by February 8, 2012 by 4:00 pm. Send letters to Olivia Story, Assistant Planner, Thurston County Courthouse 2nd Floor, 2000 Lakeridge Drive SW, Olympia, WA, 98502 or to storyo@co.thurston.wa.us. Or contact her at (360) 754-3355 ext. 5477 for more information. If you need special accommodations to participate, please call (360) 754-4001 by 10:00 a.m. at least three days prior to the meeting. 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 January 13, 2012

Tab 2. Draft Ordinance

Comprehensive Plan Amendment Chapter 3 Natural Resource Lands – Mineral Lands of Long Term Commercial Significance Designation Criteria

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Staff Comments: *Italics* Unaffected Omitted Text: (...)

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The above criteria were applied throughout unincorporated county areas to designate those forest lands of long-term commercial significance. Those lands that currently meet the criteria are shown on Map M-42. Future lands meeting these criteria may also be designated.

IV. MINERAL RESOURCES

Community Vision: The citizens of Thurston County recognize mining as an important part of the rural 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 adverse impacts of mining. Good stewardship of mining operations, including reclamation and restoration, takes a partnership among mining operators, county citizens, and regulatory agencies.

Background: As a result of major glacial activity in Thurston County's geologic past, major deposits of sand and gravel are located in Thurston County. This geologic heritage provides the raw material for dozens of sand and gravel operations throughout the County. 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.

Balancing conflicts: The extraction process does pose potential conflicts with surrounding uses, particularly rural residential uses and critical areas. During the process of designating resource lands of long-term commercial significance, the county evaluates the location and value of the resource as well as its proximity to existing residential areas (see below). For permitting new mining activity, the county considers groundwater protection, air quality impacts, hazards posed by gravel truck travel, and residential densities surrounding the mine, among other concerns. In response to these concerns, the county implements conditions and BMPs through the Special Use Permit process to ensure 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 policies provide that generally, mining should minimize adverse impacts on the environment, and specifically, should minimize its effect on surface and groundwater and air quality.

The policies also specify that mineral extraction sites should be restored as mining occurs. Existing, non-operating or abandoned mining sites pose a concern to many county residents because they may leave aquifers vulnerably

exposed, and invite illegal waste dumping. The action recommendations also seek to address the problem of these nonoperating sites.

The policies recognize the necessity for mineral extraction to be located in rural areas of the county with low population densities or in industrial-zoned areas. 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. Therefore, the policies also respond to the need for better prevention of such mining impacts on county residents.

Designating Mineral Resources of Long-Term Commercial Significance:

The Growth Management Act states that "...each county...shall designate where appropriate...mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals." RCW 36.70A.170(1) The Act defines "minerals" as gravel, sand, and valuable metallic substances. Other minerals may be designated as appropriate. RCW 36.70A.060(1)(a) states that "...each county...shall adopt development regulations...to assure the conservation of...mineral resource lands designated under RCW 36.70A.170."

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. Basalt "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.

Protecting these mineral deposits of long-term commercial significance for mining use is an important goal of the policies, as is preventing residential and other incompatible uses from locating adjacent to these deposits. 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. In addition, significant geologic features, including Mima mounds, shall not be used for mining purposes. Additional significant geologic features may be identified by future study.

To determine the location of mineral resource lands of long-term commercial significance, the County applies the criteria provided by the Washington State Department of Commerce (DOC). Based on the DOC 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.

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 exclusive 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 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 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 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~~include delineated wellhead protection areas CARA-I.~~
6. Mineral resource lands shall not include known important habitats and known habitats of primary association to species listed under the Endangered Species Act or state law and their buffers as established by the Critical Areas Ordinance at the time of designation.
7. Mineral resource lands shall not include agriculture lands of long term commercial significance, historical/cultural preservation sites, and any Federal Emergency Management Agency (FEMA) 100 year floodplain.
8. Mineral resource lands shall not include known mapped Category (class) One (1) or Two (2) wetlands or their protective buffers, but may include ~~class~~ Category (class) Three (3) and (4) wetlands.

- ~~9. Mineral resource lands may not include lands designated for long-term forestry.~~
- ~~10. Mineral resource lands shall be located away from geologically hazardous areas such as steep and/or unstable slopes as provided by the Critical Areas Ordinance.~~

Designation process.

Lands meeting the above criteria may be designated mineral resource lands through a Comprehensive Plan Amendment process. The County may require detailed information (such as a wetland delineation, habitat evaluation, and geotechnical report) prepared by a qualified expert. Such designation does not guarantee or forecast that a permit for mineral extraction will be granted. Such designation should not be used as a basis for granting a special use permit. Mine operators must go through all required review and permitting prior to beginning any mining activity on designated land. Map M-43 identifies ~~the~~ existing mining sites meeting 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 the "Official Designated Mineral Resource Lands" map accompanying the official zoning map, available at the County. 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:

- 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 use 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.

THURSTON COUNTY PLANNING DEPARTMENT

DRAFT

AMENDMENTS FOR MINERAL LANDS DESIGNATION CRITERIA
COMPLIANCE

01/04/2012

CHAPTER 20.30B TCC

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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 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. 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 5 acres in size owned by the applicant.
 - c. An area proposed for mineral resource lands designation shall be at least five acres.
 - ~~d. The mineral extraction site must have a special use permit if required by Chapter 20.54 unless otherwise specified in Section 20.30B.035. Designation approval shall be contingent upon issuance of reclamation permit from the Washington State Department of Natural Resources.~~
 - de. 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.

f. ~~Designated mineral resource lands may not include lands designated for long-term forestry.~~

eg. Critical areas: Critical areas will be examined at the time of designation review using the County's ~~Geodata~~Geographic Information System information. ~~If there are known critical areas and/or buffers predominantly covering the site, it will not be designated.~~ A more comprehensive critical areas review will be done at time of permitting. 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.

- 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~~include delineated wellhead protection areas CARA-I
- ii. Mineral resource lands shall not include known mapped Category (class) One (1) or Two (2) wetlands or their protective buffers, but may include ~~class~~ Category (class) Three (3) and (4) wetlands.
- iii. Mineral resource lands shall not include agriculture lands of long term commercial significance, historical/cultural preservation sites, and any Federal Emergency Management Agency (FEMA) one hundred-year floodplain.
- iv. Mineral resource lands shall not include known important habitats and known habitats of primary association to species listed 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.