



Docket Form

King County Comprehensive Plan

Date	December 7, 2021		
I. Applicant Information			
Name <i>(if multiple, list all)</i>	Greater Maple Valley Unincorporated Area Council (GMVUAC); Enumclaw Plateau Community Association (EPCA); Green Valley/Lake Holm Association (GV/LHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); Green River Coalition (GRC); and Friends of Sammamish Valley (FofSV)		
Property Address	N/A		
Phone	N/A	Email	mailto:info@gmvuac.org
Council District	3, 7, and 9—Rural Area		

II. Type of Request			
Comp. Plan Policy or Text Amendment	<i>R-688</i>	Land Use Designation Amendment	
Development Regulation Amendment		Zoning Classification Amendment	<i>21A22.050</i>
Four to One Proposal		Other	
Has this been submitted previously?	No	If yes, please indicate the year	
If yes, what was the outcome?			

III. Amendments to Comprehensive Plan Policy or Text, or Development Regulations	
<p>Additional Information for 2024 Update to the King County Comprehensive Plan: Over the coming months, King County will be developing a scope of work for the next update. If you have ideas and suggestions, please share them! And, consider joining the Comprehensive Plan <u>mailing list</u> to get updates as we move towards key milestones in the project. Thank you for participating in the next update as we plan for the coming 20 years!</p>	
Requested Change?	<i>See pp. 3 - 8</i>
If addressed already in the plan or code, what change is needed?	<i>See pp. 3 - 8</i>
Why is this amendment needed?	<i>See pp. 3 - 8</i>
What are the expected or desired outcomes of this change?	<i>See pp. 3 - 8</i>
What are the potential positive or negative impacts of this change?	<i>See pp. 3 - 8</i>
How is this amendment consistent with the Growth Management Act?	<i>See pp. 3 - 8</i>



IV. Amendments to Property Specific Land Use and Zoning			
General Location	Rural Area		
Total Acres	N/A		
Tax Parcel ID (if multiple, list all)	N/A		
Current Land Use Designation	N/A	Requested Land Use Designation Amendment	N/A
Current Zoning Classification	N/A	Requested Zoning Classification	N/A
Is there a Special District Overlay or Property Development Condition?	N/A		
Requested Change and Rationale	N/A		
Proposed Use of Parcel	N/A		
How will change affect adjoining parcels?	N/A		
How is change compatible with the surrounding area?	N/A		
Additional information?			

For property owner representatives:			
Name		Email	
Phone		Click to testify you have authorization to submit a docket for this property owner.	

How to Submit a Docket Form:

- Save the Form to your computer, fill it out, and then email it to: compplan@kingcounty.gov.
- Due to the covid pandemic, paper copies are not being accepted.

Background on King County Docket Process

The Docket process responds to the requirements of the Growth Management Act at 36.70A.470 and is codified at the King County Code Title 20.18.107 and .140. Docketing means compiling and maintain a list of suggested changes to the comprehensive plan or development regulations in a manner that ensures suggested changes are considered by the county and are available for review by the public. June 30 is the annual docket deadline. There is no fee for submitting the docket form. To download this form electronically or learn more about the Docket Process, visit: <http://www.kingcounty.gov/compplan/>



KCCP Docket Item Request

Requesting Organizations: The Greater Maple Valley Unincorporated Area Council (GMVUAC); Enumclaw Plateau Community Association (EPCA); Green Valley/Lake Holm Association (GV/LHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); Green River Coalition (GRC); and Friends of Sammamish Valley (FofSV).

Introduction

King County Code (KCC) Title 21A22.050 [DEVELOPMENT STANDARDS - MINERAL EXTRACTION] Periodic review. states:

“A. In addition to the review conducted as part of the annual renewal of a mineral extraction or processing operating permit, coal mine permit or materials processing facility permit, the department shall conduct a periodic review of mineral extraction or processing, coal mine, materials processing facility or fossil fuel facility site design and operating standards at five-year intervals from the date of issuance of the permit.

B. The periodic review is a Type 2 land use decision.

C. The periodic review shall:

1. Determine whether the site is operating consistent with all existing permit conditions and, if not, establish corrective actions; and

2. Apply the most current site design and operating standards to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts.

(Ord. 19146 § 59, 2020: Ord. 15032 § 28, 2004: Ord. 11157 § 21, 1993: Ord. 10870 § 443, 1993).”

This Code section describes *Periodic Reviews* of mineral extraction (i.e., mining) and/or materials processing sites to be conducted at 5-yr intervals. Unfortunately, for the sake of our shared environment and for residents’ quality of life, King County (KC) Department of Local Services-Permitting Division (DLS-P) interprets **21A22.050** as not to include the reclamation phases on such sites, even though no permits are issued for such operations without the permittee committing to specific reclamation actions.

The implementing King County Comprehensive Plan (KCCP) Policy is **R-688** (2020 Mid-Point Update, p. 3-74):

“The periodic review process for mineral extraction and processing operations shall include sufficient public notice and comment opportunities. The purpose of the periodic review process is to provide opportunities for public review and comment on the mineral resource facility’s fulfillment of state and County regulations and implementation of industry-standard best management practices, and for King County to modify, add or remove conditions to address new circumstances and/or



unanticipated project-generated impacts. The periodic review process is not intended to re-examine the appropriateness of the mineral resource use, or to consider expansion of operations beyond the scope of existing permitted operations since that review would be accomplished through the County’s permitting process. The periodic review is intended to be a part of King County’s ongoing enforcement and inspections of mineral resource sites, and not to be a part of the County’s permitting process.”

This KCCP Policy specifically states that the *“periodic review is intended to be a part of King County’s ongoing enforcement and inspections of mineral resource sites,...”* However, again, KC DLS-P interprets the *Periodic Review* as not being applicable to the reclamation phases on such sites.

This is a loophole that deprives the general Public of Code-required periodic reviews.

Request

To ensure there is no misinterpretation of *Periodic Reviews*, we propose the following changes (*using standard editing: additions—underlined and deletions—~~strikethrough~~*) to both KC Code and KCCP Policy:

KCC Title 21A22.050 [DEVELOPMENT STANDARDS - MINERAL EXTRACTION] Periodic review.:

“A. In addition to the review conducted as part of the annual renewal of a mineral extraction or processing operating permit, coal mine permit or materials processing facility permit, the department shall conduct a periodic review of mineral extraction or processing, coal mine, materials processing facility or fossil fuel facility site design and operating standards at five-year intervals from the date of issuance of the permit.

B. The periodic review is a Type 2 land use decision.

C. The periodic review shall:

1. Determine whether the site is operating consistent with all existing permit conditions and, if not, establish corrective actions; and

2. Apply the most current site design and operating standards to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts.

3. Address all reclamation activities prior to final closure of the operation.

(Ord. 19146 § 59, 2020: Ord. 15032 § 28, 2004: Ord. 11157 § 21, 1993: Ord. 10870 § 443, 1993).”

KCCP Policy R-688:



“The periodic review process for mineral extraction, and processing, and reclamation operations shall include sufficient public notice and comment opportunities. The purpose of the periodic review process is to provide opportunities for public review and comment on the mineral resource facility’s fulfillment of state and County regulations and implementation of industry-standard best management practices, and for King County to modify, add or remove conditions to address new circumstances and/or unanticipated project-generated impacts. The periodic review process is not intended to re-examine the appropriateness of the mineral resource use, or to consider expansion of operations beyond the scope of existing permitted operations since that review would be accomplished through the County’s permitting process. The periodic review is intended to be a part of King County’s ongoing enforcement and inspections of mineral resource sites, and not to be a part of the County’s permitting process.”

Supporting Rationale

Washington State RCWs

78.44.081: “Reclamation permits required—Applications.

After July 1, 1993, no miner or permit holder may engage in surface mining without having first obtained a reclamation permit from the department. Operating permits issued by the department between January 1, 1971, and June 30, 1993, shall be considered reclamation permits. A separate permit shall be required for each noncontiguous surface mine. The reclamation permit shall consist of the permit forms and any exhibits attached thereto. The permit holder shall comply with the provisions of the reclamation permit unless waived and explained in writing by the department.”

RCW 78.44.081 clearly states that a reclamation permit be obtained **prior** to the commencement of any mining operation, thus establishing that reclamation is part and parcel of the mining operation and thus, by inference, indicating that any subsequent Code or Policy that calls for *Periodic Reviews* of mining operations **include** reclamation activities. Consequently, *Periodic Reviews* apply to reclamation activities.

VISION 2050 (adopted October 2020)

Protecting the general public and maintaining Rural Area character in relation to industrial-scale operations such as mining are discussed in:

MPP-DP-32: *“Contribute to improved ecological functions and more appropriate use of rural lands by minimizing impacts through innovative and environmentally sensitive land use management and development practices.”*



MPP-DP-37: *“Ensure that development occurring in rural areas is rural in character and is focused into communities and activity areas.”*

MPP-DP-41: *“Establish best management practices that protect the long-term integrity of the natural environment, adjacent land uses, and the long-term productivity of resource lands.”*

Each of these **MPPs** apply to ensuring mining site reclamation is conducted and completed in a manner as to protect the environment and the general Public. To do so, the Public must be kept informed and the *Periodic Review* process used to do so.

Countywide Planning Policies (CPPs) (2012 as amended in 2016; currently undergoing a major update in 2021)

Maintaining Rural Area character and siting of industrial-scale operations are discussed in:

EN-1: *“Incorporate environmental protection and restoration efforts into local comprehensive plans to ensure that the quality of the natural environment and its contributions to human health and vitality are sustained now and for future generations.”*

This **CPP** calls for the **KCCP** and its policies to include *“...environmental protection and restoration efforts....”* To do this **KCCP** policies calling for *Periodic Reviews* must include mining site reclamation activities.

KCCP (adopted July 2020)

Maintaining Rural Area character with respect to industrial-scale mining operations are discussed in:

Chapter 3. **RURAL AREAS AND NATURAL RESOURCE LANDS**, Part I. **Rural Area** (our emphases):

“Preserving rural King County plays a key role in ensuring a continuing variety of landscapes, maintaining the diverse communities that often portray the rural legacy, and supporting the evolving rural economic opportunities for the county and its residents.... Rural Areas and rural- based economies contribute to the range of choices and enhance the quality of life of all county residents.... King County is committed to sustaining rural economic clusters and rural character....The glacial soils and terrain that give King County its natural beauty also create significant environmentally critical areas, such as steep, erodible slopes, wetlands and groundwater recharge areas. Maintenance of tree cover,



natural vegetation and wetlands are critical to the continued functioning of the ecosystem and preservation of rural character. The interplay of forest cover, soils and water are essential to watershed health, ensuring adequate unpolluted groundwater recharge, stormwater runoff flow control and pollution reduction, carbon sequestration and habitat functions. Conserving Rural Areas and Natural Resource Lands in King County is integral to providing diversity in lifestyle choices; sustaining farming, livestock, and forestry economies; protecting environmental quality and wildlife habitat; providing recreation opportunities and maintaining a link to the county's resource-based heritage."

This **KCCP** section specifically calls for: "*Conserving Rural Areas and Natural Resource Lands...*" This cannot be done without proper and adequately monitored reclamation of mining sites. Public disclosure and participation are integral to such oversight

Closing Remarks

Environmental Impacts

It is relevant and factual to point out that multiple mining facilities in King County (particularly in SE King County) have a record of substantial environmental, permit and code violations during the "*reclamation*" phase, which can take as long or as in a number of cases in SE King County, take far longer than the mining activity. Further, there is a record of such sites causing harm to public resources, including, but not limited to, waters of the state. Site examples include: Reserve Silica, Erickson/Wagner site, John Henry Mine, and Landsberg (Rogers Seam).

State Department of Ecology

Also worthy of note, when the State Department of Ecology (DOE) was updating the National Pollution Discharge Elimination System (NPDES) permit for stormwater and mine-water discharges from the John Henry Mine, it wrote requirements both for a return to active mining (which was still a potential at the time), or reclamation as it was DOE's opinion that reclamation activities at the John Henry Mine posed a *substantial* threat of pollution to waters of the state.

Reclamation

Clearly, the aforementioned examples demonstrate that reclamation activity can and frequently has lasted for decades. Claimed reclamation is often historically and presently paired with disposal. Reclamation is often abused through disposal of off-specification or hazardous materials. The current interpretation by DLS-P serves to keep such reclamation/disposal activity opaque and out of the public view, which in turn only serves to increase the opportunities for additional harm to rural residents and public resources, in particular through pollution of surface and groundwater that can last for many decades beyond the completion reclamation activity (as seen with high pH and arsenic discharges from the Reserve Silica site that continue today).



King County

Enforcement

Reclamation requires significant permitting and enforcement review, just like mining itself, and is clearly an activity associated with mining and part of the integrated planning, design, and permitting of mines in King County. Consequently, it is illogical and a source of significant harm to require *Periodic Review* and opportunity for public comment during mining, but not during reclamation that includes many if not most of the same impacts and violations of code as active mining, with the addition of potential illegal disposal activities. There is no valid argument to conclude that the necessity of the *Periodic Review*, and opportunity for public comment should apply for active mining, but not apply, or isn't necessary for reclamation.

Conclusions

The changes in King County Code and KCCP Policy enumerated in this Docket Request will resolve the problems detailed herein for the good of all.