



Docket Form

King County Comprehensive Plan

Date	December 19, 2025		
I. Applicant Information			
Name <i>(if multiple, list all)</i>	Ten Rural Area Organizations —Enumclaw Plateau Community Association (EPCA); Four Creeks Unincorporated Area Council (FCUAC); Friends of Sammamish Valley (FofSV); Greater Maple Valley Unincorporated Area Council (GMVUAC); Green River Coalition (GRC); Green Valley/Lake Holm Association (GV/LHA); Hollywood Hills Association (HHA); Soos Creek Area Response (SCAR); and Upper Bear Creek Unincorporated Area Council (UBCUAC)—This listing represents a <i>“rural” subset</i> of the Joint Team of King County Rural and Urban Unincorporated Area Organizations.		
Property Address	N/A		
Phone	N/A	Email	N/A
Council District	3, 8, and 9 (i.e., all non-urban areas)		

II. Type of Request			
Comp. Plan Policy or Text Amendment	Yes	Land Use Designation Amendment	
Development Regulation Amendment	Yes	Zoning Classification Amendment	
Four to One Proposal		Other	
Has this been submitted previously?	Yes	If yes, please indicate the year	2021
If yes, what was the outcome?	The 2022 Docket Report explained why our 2021 Docket Item Request on “Periodic Reviews” was rejected, we have since modified our request (herein) based on the rationale given at that time [see attached].		

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 <i>mailing list</i> 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?	Periodic Reviews of mining sites conducted by the King County Department of Local Services, Permitting Division should include the Reclamation phases. [See attached]



If addressed already in the plan or code, what change is needed?	Both existing Plan and Code need revisions. [See attached]
Why is this amendment needed?	Mine site reclamation is part of most, if not all, mineral extraction permits, consequently it should be specifically stated to be subject to plan- and code-required Periodic Reviews.
What are the expected or desired outcomes of this change?	Mine site reclamation will be properly monitored and successful in returning lands to pre-mining conditions, as required.
What are the potential positive or negative impacts of this change?	There are no negative impacts.
How is this amendment consistent with the Growth Management Act?	It is <u>directly</u> consistent with the GMA to ensure mine site reclamation is properly monitored and successful.

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

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



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REQUESTED CHANGE

As defined by King County Code **Title 16.82 Definitions, T.:** “*Reclamation*”

“...means the final grading and restoration of a site to establish the vegetative cover, soil surface water, and groundwater conditions appropriate to accommodate and sustain all allowed uses of the proposed zone appropriate for the site.”

Reclamation of mining sites must be part of Periodic Reviews conducted by the King County Department of Local Services, Permitting Division. In fact, such reviews should be conducted until reclamation is complete and the site is returned to forestry or other end-use as required by law. [see **SPECIFIC CHANGES REQUESTED** below for specific KCCP Policy and KC Code Title language changes.]

Clearly, reclamation is a critical component of every mineral extraction permit (even though the approved extraction permit may specify that ‘*no reclamation is required*’). While the actual extraction may have been completed, the job is not finished, nor the mining permit completed, until such time as all aspects of the proscribed reclamation have been completed and approved. To terminate the mandated periodic reviews prior to completion and approval of the mandated reclamation leaves some projects with NO periodic reviews, and the public with NO opportunity to review and comment on these projects.

Using Reserve Silica in south King County as an example, mineral extraction was completed in 2007, and the required reclamation phase has been going on for over 18 years – and continues today. And over this period, there have been MANY gross violations of Permit Conditions, County Regulations and Code, and State Law. And yet current Code would indicate no periodic reviews, nor public review/comment opportunities are necessary for these, oftentimes, massive operations. King County Code requires that the GRDE permit stays in place for the mining and reclamation, until the reclamation is completed. Mining and reclamation generally takes decades. The original and updated (through around 2010) mining plans extended out to 2035. The only reason that date got truncated to an earlier timeline is that Reserve Silica decided to stop silica sand mining in favor of running a *Solid Waste Disposal site*, and later a proposed housing development (unanimously rejected by the King County Council), then back to a “*disposal site*,” when it couldn’t get its requested rezone through the King County Council.

Without 5-yr periodic reviews, far too much can and does “*slip through the cracks*,” and, as we have seen in numerous cases, agency institutional memories are wanting after a decade or so. Please note that when the WA State Department of Natural Resources (DNR) is monitoring a reclamation plan, it requires a detailed annual report on the reclamation to assure continuity and that goals and milestones are being met (RCW 78.44.181 Reclamation—Report by permit holder on anniversary date.). It also helps to keep the paperwork/records in order for things critical to reclamation, so that a compartmentalized and contiguous record set for the entire timeline of the mine and



reclamation, including specific context for the records, too often missing absent a continuous/periodic review over the entirety of the operation. We have repeatedly seen, that without such reviews, context is missing, records become fragmented, and operators/owners get away with virtually anything they want to do, and the Public and often King County are left in the dark.

The cost of 5-year Periodic Reviews should be calculated based on the proposed length of the reclamation plan, and guaranteed through the reclamation bond. As the reviews are completed, or the proposed time for reclamation is truncated or extended, the reclamation bond can be *recalculated* on a 5-year basis (if not something noted and needing correction under the annual review). This would make the 5-year periodic review process applicable to both mining and reclamation, as well as the source of their funding. It would also be written into the cost of doing mining up front, so there are no surprises to the mine owner, county, or the public as to where reclamation is at, at any give point. In addition, the public would have access, at least every 5-years, to a comprehensive review of reclamation progress, activities of both the mine operations and agency operation during that time span, and how the mine owner is doing on permit compliance and the agency is doing on enforcement.

Even if such Periodic Reviews are expensive, they are not only just a reasonable cost for the mine owner/operator to bear, but also a necessity for the County to meet its obligations under KC Code (as well as related state and federal statutes) to assure continuity, accountability, and completion of the restoration as per the codes over long time spans. Should such reviews be added to the bond calculation requirements, then the mine owner/operator knows exactly what costs they are committing to (so can pencil out the costs versus potential profits and commit to it prior to starting mining).

It is critical to recognize that our request herein covers BOTH the State Department of Natural Resources (DNR) lead process and the King County lead process, as we discuss further in the next section under **Title 21A.22.081 Reclamation**. Otherwise what could, and does happen, is that King County implements reclamation as a commercial landfill operation, rather than meeting the requirements of **21A.22.081 Reclamation. C.** (*Mineral extraction and coal mine operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following requirements...*), thus allowing operation on a basis of maximizing the commercial landfilling potential (as driven by the mine owner/operator maximizing profits), rather than limiting fill to just those amounts necessary to meet the reclamation requirements driven by the King County Code.



SPECIFIC CHANGES REQUESTED

We call for **changes** to *both* King County Code and King County Comprehensive Plan Policy as detailed below with standard editing notation.

King County Code:

Title 21A.22.050 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 / reclamation, coal mine, materials processing facility or fossil fuel facility site design, operating standards and financial responsibility at five-year intervals from the date of issuance of the permit through completion of reclamation.

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 and reclamation 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. 19601 § 2, 2023: Ord. 19146 § 59, 2020: Ord. 15032 § 28, 2004: Ord. 11157 § 21, 1993: Ord. 10870 § 443, 1993).

It should be noted several types of reclamation scenarios—depending on whether or not **78.4 RCW Surface Mining** applies—are covered by:

Title 21A.22.081 Reclamation

A. A valid clearing and grading permit shall be maintained on a mineral extraction or coal mine site until the reclamation of the site required under chapter 78.44 RCW is completed.

B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be submitted before the effective date of a zone reclassification in Mineral-zoned properties or the acceptance of any development proposal for a subsequent use in Forest-zoned properties. The zone reclassification



shall grant potential zoning that is only to be actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of all requirements of the reclamation plan. Development proposals in the Forest zone for uses subsequent to mineral extraction or coal mine operations shall not be approved until demonstration of successful completion of all requirements of the reclamation plan except that forestry activities may be permitted on portions of the site already fully reclaimed.

C. Mineral extraction and coal mine operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following requirements: . . .

Periodic Reviews should cover EACH of these scenarios

King County Comprehensive Plan Policy:

R-798 The periodic review process for mineral extraction ~~or~~ /processing/ 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.



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APPLICABLE LAW, CODE, POLICY

King County Code

Title [16.82](#) CLEARING AND GRADING (Formerly GRADING)
16.82 Definitions, T.

Title [21A22](#) DEVELOPMENT STANDARDS - MINERAL EXTRACTION
21A.22.030 Grading permits required.
21A.22.050 Periodic review.
21A.22.060 Site design standards.
21A.22.081 Reclamation.

State RCW *[for reference only!]*

Chapter [78.44](#) SURFACE MINING

King County Comprehensive Plan Policy

Policy R-798



PAST DOCKET ITEM REQUEST

In 2021 we submitted a *similar* Docket Item Request. Below is the King County Response we received in 2022 to our 2021 D.I. submittal. Please note we have underlined some of what we believe are the key arguments King County provided at the time.

Periodic Review and Reclamation Process: Request to revise King County Code 21A.22.050 [Mineral Extraction] Periodic Review to require that the review process include the reclamation phase of a mineral extraction (i.e., mining) operation and closure.

Classification: The request proposes a change to the Zoning Code, King County Code Title 21A. Changes to development regulations such as the zoning code can be made at any time, as long as they are consistent with the Comprehensive Plan. This request is eligible for consideration.

Discussion and Analysis: As shown below, the referenced section of the King County Code addresses development standards for mineral extraction and includes the County's Periodic Review process.

21A.22.050 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.
- (Ord. 19146 § 59, 2020: Ord. 15032 § 28, 2004: Ord. 11157 § 21, 1993: Ord. 10870 § 443, 1993).

Applying the periodic review process to the reclamation phase has a number of challenges. Some existing mines in the County are already conducting phased operations, meaning reclamation of one portion of the site is occurring before future phases occur; in these instances, the reclamation activities are already addressed through the existing periodic review process. Other mines are being reclaimed under state rather than local process; this means the County's review process is preempted by the state. Another issue is that past mining activities that may not have been



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reclaimed are encouraged to do so in most instances, to return the land to a viable land use or mitigate hazards, such as coal mine hazard areas; adding additional permitting processes and costs creates a burden that may discourage this activity. Finally, the County already has controls in place through its permit timelines, renewals of reclamation permits, and through its stormwater program which has an annual inspection program. Adding a separate inspection program could be overlapping and inefficient.

Executive Recommendation: Based on the discussion and analysis, the Executive does not support this request.



OUR REBUTTAL
(to King County's response to past Docket Item request)

Again, we have highlighted a few statements in King County's 2022 response above. Below we provide ***our rebuttal on each key point***:

1. We believe the "*challenges*" listed above do not cover every case—Reserve Silica is but one case. This is a continuing and profuse problem and, thus, *existing* King County Code clearly is insufficient and needs revision.
2. We agree that "*the reclamation activities are already addressed through the existing periodic review process*" – PROVIDED that the reclamation activities are actually included and reviewed as part of the periodic reviews – which seldom is the case. Making the changes we propose will not have any impact on the current review practices for those operations that ARE following a phased reclamation approach – and yet will address MANY potential problems for those that are NOT following the phased approach.
3. "*Other mines are being reclaimed under state rather than local process; this means the County's review process is preempted by the state*": For those extraction operations that are being reclaimed under a State-regulated reclamation program, our proposed changes would apply only to reclamation projects administered by the County – and would obviously have no application to reclamation work being administered by the State.
4. A periodic review requirement is not necessarily a deterrent for landowners voluntarily reclaiming "*past mining activities that may not have been reclaimed are encouraged to do so in most instances, to return the land to a viable land use or mitigate hazards.*" In fact, it would seem most such voluntary "*reclamation*" projects would tend to be relatively small projects, taking far less than the 3 – 5 years that would trigger a periodic review. And if such projects truly do take more than that time to achieve, it seems entirely appropriate to have a thorough periodic review, to ensure this long-term project remains on-track, and that unanticipated developments are being appropriately addressed. Two instances where a "*voluntary reclamation*" of long-past mining operations that were not reclaimed and, thus, pose hazards or restrictions to returning the land to "*a viable land use*" are:
 - (1) Ravensdale, LLC's (Erickson/Wagner) coal mine trench filling project, and Ravensdale, LLC's reclamation operation has been going on for 15 years, and KC DLS-Permitting has approved further filling that will likely last an additional 10+ years. And we are not aware of ANY formal periodic review of this overall project, in spite of NUMEROUS past documented violations of Permit Conditions, County regulations and code, and State law. And continuing violations that WILL occur if "*reclamation*" of some of the projects already-approved by KC DLS-P are carried out.



- (2) Reserve Silica's current application to "*reclaim*" 37.5 ac of its property of old coal mine hazards. If a pending application is approved, it will allow the dumping of a million cubic yards of "*clean fill*" and/or "*inert wastes*" to be dumped – a 5 – 7-yr hauling/dumping project at up to 200-truck trips/day.

In both these examples, there is nearly NO mine hazard mitigation benefits, and NO returning the land to "*a viable land use*" (in fact, in Reserve Silica's case, very significant detriments to returning the land to its designated post-reclamation land use will occur if the application is approved). Two common denominators in these two "*reclamation project*" cases are:

- (a) It is financially VERY advantageous to the owners to be allowed to dump these imported wastes on their properties – in the name of "*reclamation.*"
- (b) In both cases, the owners have a very long history of REPEATED violations of Permit Conditions, County regulations and code, and State law.

In the case of common denominator (a) there is little-to-no chance adding the proposed amendments will cause the owners to drop this "*voluntary reclamation,*" unless future periodic reviews indicate the project should be terminated.

In the case of common denominator (b), instead of mitigating risks and improving land use, it is almost guaranteed that both of these projects only will result in further environmental degradation as we've seen in the past and, undoubtedly, will cause MUCH more work for KC DLS-P (and the Public), to try to limit this for-profit degradation of public resources.

5. Why would Periodic Review of reclamation result in "*...additional permitting processes...*" ? In fact, even if true, why is that a problem, as this is exactly what is done all the time when permit conditions are NOT followed, unpermitted activities are conducted, etc., as new or revised permit applications are solicited from the offending applicant ?
6. "*...the County already has controls in place through its permit timelines, renewals of reclamation permits...*" Such "*controls*" clearly are insufficient. Plus, we are unaware that King County grants any "*reclamation permits*" that focus exclusively on reclamation [please note that the State DOES issue "*Reclamation Permits*" under **78.44 RCW**]. Once again, "*reclamation*" and, thus, Reclamation Plans, are PART AND PARCEL of "*mining extraction*" permits and are NOT separate.
7. "*Adding a separate inspection program could be overlapping and inefficient.*" Once again, it is abundantly and undeniably clear that the County has been sorely ineffective when dealing with large, corporate owners with long histories of repeatedly violating County and State regulations in the name of "*reclamation.*"



CONCLUSIONS

OUR REBUTTAL above effectively DISPUTES all the stated reasons given by the County for rejecting this Document Item Request in 2022.

Our Docket Item Request herein details CHANGES that are sorely needed to carry out the County's public and environmental responsibilities.

The existing County "*controls*" have REPEATEDLY proven, at best, to be ineffective and, at worst, to have failed.

By NOT conducting Periodic Reviews on the reclamation steps of mining permits (GRDE or equivalent), the County is at the mercy of the permit holder, while the Public is shut out from information critical to maintaining its quality of life and ensuring protection of the environment.

RECOMMENDATION

We believe our Docket Item Request herein warrants serious consideration and, finally, adoption.