

**DESCRIPTION OF HOW THE PROPOSED REZONE MEETS THE KING COUNTY COMPREHENSIVE PLAN POLICIES:**

15. *What are the specific King County comprehensive plan policies that support this proposal? Describe consistency of proposal with each policy.*

**Description of consistency appears below.**

*R-608 King County should encourage infrastructure and services that support resource lands management and resource-based businesses. These should be sited in close proximity to designated Agricultural and Forest Production Districts and Designated Mineral Resource Sites when adverse impacts and incompatibilities can effectively be mitigated.*

**The proposed rezone site has been a designated mineral resource site since 1990. That designation has been regularly incorporated by King County planners into subsequent comprehensive plan updates and adoptions. The rezone will allow the mineral resource to be utilized for serving new construction activities throughout King County. Adverse impacts and incompatibilities can be mitigated.**

*R-610 King County shall employ a variety of innovative programs and incentives to help maintain and enhance resource-based industries.*

**A rezone to mineral would help maintain and enhance Palmer Coking coal Company's (Palmer) ability to successfully mine and reclaim valuable mineral resources. Since 1933, the proponent, Palmer has mined and reclaimed lands with mineral-based operations in southeast King County. The proponent has also maintained significant amounts of land enrolled in the forest land designation program pursuant to R.C.W. 84.33. Products from the proponent's mining and forestry operations have served tens of thousands of businesses and consumers throughout King County and the State of Washington over the past nine decades.**

*R-679 King County shall identify existing and potential mining sites on the Mineral Resources Map in order to conserve mineral resources, promote compatibility with nearby land uses, protect environmental quality, maintain, and enhance mineral resource industries and serve to notify property owners of the potential for mining activities. The county shall identify:*

- a. Sites with existing Mineral zoning as Designated Mineral Resource Sites;*

- b. *Sites where the landowner or operator has indicated an interest in mining, sites that as of the date of adoption of the 1994 Comprehensive Plan had potential Quarrying/Mining zoning, or sites that the county determines might support future mining as Potential Mineral Resource Sites;*
- c. *Sites where mining operations predate zoning regulations but without zoning or other land use approvals as Non-Conforming Mineral Resource Sites; and*
- d. *Owner-Identified Potential Sub-Surface Coal Sites.*

**King County has previously identified the subject property as a potential mining site in community planning documents (see Enumclaw Community Plan, 1990) and in each subsequent King County Comprehensive Plan as a potential mineral resource site (see 2016 KCCP page 3-77 and mineral resource map, site # 48 ). In addition, portions of the site pre-date zoning regulations and have been approved by King County D.P.E.R. as an existing mining site (i.e., non-conforming mineral resource site - see 2016 KCCP page 3-79 and mineral resource map, site # 110 – Hyde Gravel / Palmer Coking Coal Co). For more information, please reference “Project Site History – Lot Q – BLA creation” and “Project History – Hyde Gravel 24.5 acres.”**

*R-680 King County shall designate as mining on the Comprehensive Plan Land Use Map those sites that had Potential Mineral (M) zoning prior to the date of adoption of the 1994 Comprehensive Plan and those sites that had Mineral zoning as of the date of the adoption of the King County Comprehensive Plan 2000 Update.*

*A mining designation on the Land Use Map shall not create a presumption that Mineral zoning will be approved for sites with Potential Mineral zoning. Potential Mineral zoning shall not be applied to additional sites.*

**A rezone to Mineral (M) would help implement this policy. However, no presumption of mineral zoning has been inferred. Still, facts which describe over three decades of public notice plus the proponent’s efforts to plan for the protection and utilization of this resource are relevant information, and are necessarily germane to decision-makers.**

*R-681 King County may designate additional sites on the Comprehensive Plan Land Use Map as Mining only following a site-specific rezone to Mineral zoning. Upon approval of a rezone to Mineral zoning, the Comprehensive Plan Land Use Map shall be amended to designate the site as mining during the next comprehensive plan amendment cycle. King*

*County should approve applications for site-specific rezones to Mineral zoning and applications for permits that would authorize mineral extraction and processing only following site-specific environmental study, early and continuous public notice and comment opportunities, when:*

- a. The proposed site contains rock, sand, gravel, coal, oil, gas, or other mineral resources;*
- b. The proposed site is large enough to confine or mitigate all operational impacts;*
- c. The proposal will allow operation with limited conflicts with adjacent land uses when mitigating measures are applied;*
- d. The proposal has been evaluated under the State Environmental Policy Act so that the county may approve, condition, or deny applications consistent with the county's substantive SEPA authority, and in order to mitigate significant adverse environmental impacts.*
- e. Roads or rail facilities serving or proposed to serve the site can safely and adequately handle transport of products and are in close proximity to the site.*

**This site-specific rezone pursuant to this policy complies with the five listed criteria as follows:**

- a. The site contains sand and gravel resources as confirmed by:**
  - 1) nearby sand and gravel mining (see Green Section 30 mining operation to the north);**
  - 2) historic mining for road building activities which utilized on-site sand and gravel; and**
  - 3) through 2015 confirmation drilling and a geologic report by Bennett Consulting which identified an extensive deposit of outwash sand and gravel resources measured in the millions of tons.**
- b. The proposed site (Lot Q) is sufficiently large (240-acres) to confine and mitigate operational impacts.**
- c. The proposed site is surrounded on three sides (to the north, south and west) by an existing sand and gravel mining operation. With direct access to the Enumclaw-Franklin Road, adjacent properties to the south, east and north will be spared conflicts. Also, Palmer, the proponent, has over the years acquired additional properties, surrounding the site in order to better mitigate impacts.**
- d. A SEPA checklist has been prepared and mitigation measures have been identified in the SEPA checklist.**

- e. **Existing roads serve the site and can adequately handle truck transportation of mined sand and gravel.**

R-682 *King County should remove the Mining land use designation on the Comprehensive Plan Land Use Map and associated Potential Mineral zone or Mineral zoning for any sites that have been denied a rezone to Mineral.*

*If a grading or other permit necessary for the extraction of mineral resources is denied on a Designated Mineral Resource Site, the county shall evaluate whether such mineral resource designation is appropriate. The re-evaluation process may occur during the annual comprehensive plan amendment cycle and information produced during the permit review process shall be used to evaluate the appropriateness of changing the existing designation. If the county determines that the site should not be designated as mineral resource land of long-term commercial significance as defined in the Growth Management Act, the site shall be redesignated to a Potential Surface Mineral Resource Site on the Mineral Resources Map and to a land use designation and zoning classification compatible with the surrounding properties.*

**State of Washington Department of Natural Resources (DNR) surface mining permits have been issued to both the adjacent sand and gravel mine (Green Section 30, Permit #70-012688); and for the applicant's existing permitted operation on the subject property (Hyde Gravel Pit, Permit #70-012951). In addition, clearing / grading permits (see #L98G0056 and #GRDE15-0179) have been issued to the Hyde Gravel Pit and have bi-annually been re-issued by King County DDES; DPER; and DLS for operation of surface mining operations at the Hyde Mine.**

R-683 *King County may update the Mineral Resources Map to identify additional Potential Mineral Resource Sites only during the four-year comprehensive plan amendment cycle.*

**This property is already designated as a potential mineral resource site. During the KCCP 2016 adoption process, both the potential mineral resource site designation and the legal non-conforming use were retained.**

R-684 *The preferred adjacent land uses to sites designated as Mining on the Land Use Map are mining, industrial, open space or forestry uses. Sites for newly proposed Mineral zones shall not be adjacent to or within Agricultural Production Districts. Agricultural lands and*

*operations should be protected from significant impacts associated with nearby mine operations.*

**This property is adjacent to an approved mining site (Green Section 30 - tax parcels 302107-9025; -9042) on its south, west, and north boundaries. The Green Section 30 property was recently rezoned to Mineral (M) from RA-10, by King County pursuant to Ordinance No. 2010-0461 (Enactment No. 17981, Feb. 17, 2015).**

**Other adjacent and nearby land uses include:**

- **Open Space (tax parcels 302107-9026; -9029 to the northwest; and tax parcels 302107-9018 and 252106-9001 to the west);**
- **F-zoned forestry (tax parcel 202107-9001 to the northeast);**
- **Rural-zoned property enrolled in designated forest land for tax purposes pursuant to RCW 84.33 (tax parcels 192107-9050; -9059; -9063; 292107-9041; -9045; -9069; -9070; -9102; 302107-9030; -9067; -9068; -9077; -9078; 9081; -9082; and 312107-9005)**
- **Rural-zoned property with residences (tax parcels 312107-9036; -9040).**
- **Most other nearby uses are vacant rural residential or forested properties.**

*R-686 In order to comprehensively assess the environmental impacts associated with a zoning change, conditional use or operating approval for a mining proposal, the range of environmental impacts, including short-term and long-term effects arising or existing over the lifetime of the proposal, shall be assessed at the earliest possible stage. This should include the potential for future proposals for structures and operations related to mining, such as asphalt and concrete batch plants.*

**A SEPA checklist and associated reports have been prepared to comprehensively assess and mitigate environmental impacts.**

*R-687 King County should prevent or minimize conflicts with mining when planning land uses adjacent to Designated and Potential Mineral Resource Sites. Subarea plans may indicate areas where mining is an inappropriate land use. Designated and Potential Mineral Resource Sites and nonconforming sites should be shown on Mineral Resources Map and subarea plan maps in order to notify nearby property owners and residents of existing and prospective mining activities.*

**The subject property is both a designated resource site (portion) and a potential resource site (all). In addition, a 24.5-acre portion of the site has been granted a**

legal non-conforming use designation to allow those mining uses already permitted. This information has been widely shared with the public since 1990. Those publication efforts include community plans, King County comprehensive plans, establishment of non-conforming use status, State DNR surface mining permit notices, grading permit notices, and most recently through Green Section 30's rezone of their property to mining, which included an extensive public outreach process.

*R-689 Conditions and mitigations for significant adverse environmental impacts associated with mining operations and their associated structures or facilities should be required, especially in the following areas:*

- a. Air quality;*
- b. Environmentally sensitive and critical areas, such as surface and groundwater quality and quantity, wetlands, fisheries and wildlife habitats, and aquatic habitats;*
- c. Noise levels;*
- d. Vibration;*
- e. Light and glare;*
- f. Vehicular access and safety;*
- g. Land and shoreline uses;*
- h. Traffic impacts;*
- i. Visual impacts;*
- j. Cultural and historic features and resources;*
- k. Site security; and*
- l. Others unique to specific sites and proposals.*

**These elements of the environment will be considered in the SEPA checklist prepared for this rezone. However, in a general sense the items will be addressed as follows:**

- a. Air quality:** the operation will be covered by a Puget Sound Air Agency permit. Roads will be treated with dust suppressant or watered. Crushing or screening equipment will be equipped with dust suppressing measures. For more information, see attached Hyde Pit Expansion Air Quality Analysis by Trinity Consultants dated September 2021.
- b. Environmentally sensitive and critical areas:** all nearby wetlands and water bodies have been excluded from the rezone site. Buffers will be maintained around any nearby wetlands. Groundwater will be protected by mining at least five feet above the groundwater level. There are no fisheries on site or nearby.

**Wildlife habitat will be provided within yet unmined areas, and on reclaimed areas. All of the rezone site is currently planted with Douglas Fir trees and typical ground vegetation. Aquatic habitats will be protected by protecting wetlands. For more information see attached wetland report by Sewall Wetland Consulting, Inc. dated March 25, 2021 and attached wildlife report by Habitat Technologies dated June 14, 2021.**

- c. Noise levels: vegetative buffers have been established and will be maintained. Berms will be constructed when and if necessary. Operating hours will be limited per King County regulations. Equipment will be kept well-maintained. Permit conditions regarding noise levels will be adhered to. The site is large enough to contain most noise impacts. For more information, see attached Noise Analyses by Trinity Consultants dated September 3, 2021.**
- d. Vibration: no explosives will be used. The site is large enough to contain vibration impacts from the use of heavy equipment.**
- e. Light and glare: a vegetative buffer will be maintained around the perimeter of the site. Mine areas will be reclaimed and planted with trees.**
- f. Vehicular access and safety: vehicular access points to the mine site will be designed to comply with King County Road standards. Site distance studies for the existing Hyde Gravel Pit entrance roads were performed by Barghausen Consulting Engineers and reviewed by King County during the approval process for BLA File No. L11L009 (see KC-DPER letter dated March 7, 2013, signed by Randy Sandin). Subsequent to that approval Palmer Coking Coal Co. established the access easement under Rec. #20130618900005. Mine safety is governed by the Mine Safety & Health Administration (MSHA). Regular safety inspections will be made, and the operator is required to conduct monthly employee mine safety training. All customers, suppliers, and visitors will be required to undergo specific on-site safety training before entering the mine site.**
- g. Land and shoreline uses: there are no shorelines within the proposed rezone area. Land uses will be limited to those legally allowed by zoning as administered through clearing and grading permits.**

- h. Traffic impacts: A Traffic Impact Analysis by Heath & Associates, Inc dated April 30, 2021 has been prepared and recommendations from that study will be incorporated into mine planning.**
- i. Visual impacts: a vegetative buffer will be maintained around the perimeter of the mine site.**
- j. Cultural and historic features and resources: a Department of Archeology and Historic Preservation management plan (DAHP log 051313-08 DNR) has been developed for the site and is attached with this submittal. The “wissard” cultural resource site has been reviewed and no identified cultural or historical properties have been inventoried within the proposed site. The Green River Gorge Historic District (GRGHD) overlay area has been thoroughly surveyed and four identified features found as disclosed in the DAHP log referenced above. The operator will follow the protocols outlined in the DAHP plan in the event that cultural or historic features or resources are discovered.**
- k. Site security: the operator will maintain gates which will be locked during non-operating hours. A security guard will also be retained.**
- l. Other unique to specific sites and proposals: the King County Clearing and Grading Ordinance and the State of Washington Surface Mining Act have been developed to deal with impacts from mining and reclamation activities and those regulations are capable of providing oversight of any additional mining envisioned by this proposed rezone.**

*R-690 King County should work with the state and federal governments to ensure that proposals for underground mining, oil and gas extraction, and surface coal mining are reviewed with consideration of local land use and environmental requirements.*

**No underground mining, surface coal mining, or oil and gas extraction is associated with this proposal. In addition, three coal mine hazard reports [one by Bennett Consulting (2007) and two by Icicle Creek Engineers (2006 and 2021)] have been prepared and reviewed.**

*R-691 King County should work with the state Department of Natural Resources to ensure that mining areas are reclaimed in a timely and appropriate manner. Reclamation of mining sites in the Forest Production District should return the land to forestry. Where mining is completed in phases, reclamation also should be completed in phases as the resource is*

*depleted. When reclamation of mining sites located outside of the Forest Production District is completed, the site should be considered for redesignation to a land use designation and zoning classification compatible with the surrounding properties.*

**The applicant will apply for an expanded state of Washington D.N.R. Surface Mining and Reclamation permit (#70-012951). The applicant will also apply to King County DPER to expand the existing King County DPER clearing and grading permit (#L98G0056 / GRDE15-0179). The applicant intends to support redesignation of the property to a land use designation and zoning classification which will be compatible with surrounding properties.**

*R-692 King County shall encourage the removal of existing stockpiles of previously mined material in order to promote and achieve reclamation of land to its highest and best use.*

**There are no existing stockpiles of previously mined material at the existing Hyde Surface Mine or within the proposed rezone area. There has been previous sand and gravel mining for forest practice road building activities primarily within the Puget Sound Energy (PSE) powerline easement area. But no stockpiles of mined material remain there.**