MINUTES – Regular Meeting

Thurston County Planning Commission
Wednesday, November 20, 2002
County Courthouse Complex
2000 Lakeridge Drive SW
Building 1 - Room 152
Olympia, Washington 98502

1. Call to Order

Chair Bower, followed by introductions of Planning Commission members, called the meeting to order at 7:00 p.m.

a. Attendance

Members Present: Bob Bower, Liz Lyman, Brian Fagernes, Peggy Paradise and Mark Lovrien
Members Absent: Barbara Frost and Tom Cole
Staff Present: Jennifer Hayes, Jeff Fancher, Fred Knostman, Nancy Pritchett, Sandy Norton and Cami Olson

b. Approval of Agenda

The agenda was approved.

2. Public Hearing: Natural Resource Lands Update, Chapter 3 of the Thurston County Comprehensive Plan

Jennifer Hayes stated that Thurston County is required under the Growth Management Act to review and update its 1995 adopted Comprehensive Plan and make any necessary amendments to the plan by 2004. Ms. Hayes then provided a brief overview of the amendment process for Chapter 3 of the Comprehensive Plan.

Chair Bower opened the public hearing at 7:05 p.m.

Jerry Dierker – 1720 Bigelow Street NE, Olympia

Mr. Dierker provided his comments in writing dated November 20, 2002. Mr. Dierker provided his background and a brief overview of his written testimony. Mr. Dierker also used the Designated Mineral Resource Lands map to identify areas of concern. Mr. Dierker also submitted to the Commission a photograph of the edge of the Quality Rock Mine site. Mr. Dierker requested his photograph back and the Commission agreed he could submit a black and white photo at a later date.

Mr. Dierker requested that the Commission not designate sites that pose possible environmental threats nor sites designated as areas of groundwater concern. Mr. Dierker suggested that projects be planned in areas that are feasible.

Colleen Wasner – 1325 10th Avenue SE, Olympia
Ms. Wasner stated she became aware of the asphalt plant (at the Quality Rock site) and its problems during her filming of the pipeline going in through that area. While she was filming she became aware of dumping that had occurred at the asphalt plant 10 years ago. Ms. Wasner expressed concern with the quality of water in the Puget Sound and requested that the Commission not give companies the benefit of the doubt and to realize that we are in a special place.

Ken Miller – 11801 Tilley Road S.
Ken Miller provided written testimony, dated November 12, 2002. Mr. Miller complimented staff on the work that has been done. Staff captured everything very well from the forestry standpoint. Mr. Miller also stated that he supports all of the amendments proposed, especially those regarding forest land. Mr. Miller then provided a summary of amendment proposals A, B, C, E, and H as referenced in his comment letter and as outlined in the Staff Report, which was included in the Commission mailing. He expressed his additional concerns with how development moratoriums are imposed on forest landowners and suggested allowing more flexibility to do thinning and salvage without a moratorium.

David Myers – 2346 Lashl Street
Mr. Myers expressed concerns with water in the aquifer and the water supply for private and community water systems that could be adversely affected by expanded mining activities at the Lakeside mine along Reservation Road. Mr. Myers also stated that it was a mistake to equate mineral resources with agricultural and forestry uses, noting that it is difficult to reclaim mining sites.

Howard Glastetter – 11110 Kuhlman Road SE
Mr. Glastetter provided written testimony, dated November 17, 2002. Mr. Glastetter’s provided a summary of his written testimony relating to the gravel resource designation for the area along Nisqually’s Reservation Road. He asserted that such a designation would contradict the policies of the 1992 Nisqually Sub-Area Plan. Mr. Glastetter also expressed concerns relating to increased truck traffic in the valley.

Steve Langer – 5216 Sleater Kinney Road NE, Olympia
Mr. Langer stated he represents the stakeholder group of the Henderson Inlet Shellfish Protection District. Mr. Langer read into the record the November 18, 2002 comment letter provided by the stakeholder group supporting proposed changes to shellfish policies.

Susan Markey – 7305 Kellogg Drive NE, Olympia
Ms. Markey stated she lives on Henderson Inlet. Ms. Markey stated she was opposed to designating mineral lands via the Comprehensive Plan amendment process without environmental review. If the designated lands encompass an area such as a salmon bearing stream or marine estuaries, it is a disservice to designate them as mineral lands when it is unlikely they could ever be used for that purpose.

Ms. Markey referenced page 3-36, Objective A and stated that staff’s recommendation that the County should provide the necessary staff resources to regularly monitor mines for compliance with the Mineral Extraction Code. Ms. Markey suggested that additional language should be add that says the permit fees for extraction shall be high enough to cover adequate monitoring of these mines.

Ms. Markey stated she supports the language added for Aquaculture Resources.

Ms. Markey stated that relating to forestry, she has no problem removing the language requiring strips
of trees along roadways as long as the change does not reduce the amount of trees in total that the landowner is required to keep on the property.

Adrienne Quinn – 1011 Western Avenue, Ste 902, Seattle
Ms. Quinn stated she is from Buck & Gordon, Attorneys at Law, and represents and will be providing testimony on behalf of La Pianta LLC, which owns and operates approximately 665 acres of La Pianta’s property (MAS Resources site). This property currently operates as a mine. Ms. Quinn provided a map illustration of the subject parcel and surrounding parcels. Ms. Quinn requested that the Planning Commission consider recommending designating all 665 acres of the La Pianta property as Mineral Resource lands. Ms. Quinn also expressed concern regarding the notification process. If only the 330-acre parcel is designated, as proposed, even with a 1,000 foot expanded notification, most properties bordering the site would never receive this notification. Ms. Quinn’s November 20, 2002 written testimony letter with the attached report by Dames & Moore titled “Phase I Report, Evaluation of Ground Water Conditions, Aggregate Mining Property, Thurston County, Washington” addresses concerns with impacts to Offut Lake levels from the MAS site, showing no hydrologic connection.

Ms. Quinn expressed appreciation for the hard work and the amount of analysis the Planning Commission and staff has undertaken throughout this process. Ms. Quinn provided a special thanks to Ms. Hayes for her accessibility to answer questions and the amount of information Ms. Hayes has provided.

Peggy Bruton – 1607 East Bay Drive NE, Olympia
Ms. Bruton requested that the County not expand the designation of mineral lands. She said we need to think about minimizing our use of paving materials. She questioned the assessment of our future mineral needs that is based on a report and information developed in 1994. The rate of growth has slowed since then. The report is based on the assumption that our per capita use of paving materials is increasing faster than our population growth. We need to turn that around. It is a mistake to go for this. It should be thought about more carefully.

Ms. Bruton also provided a comment on testimony relating to creating flexibility in the six-year moratorium for people to make improvements to their homes or to do certain kinds of trimming and low level forestry. Ms. Bruton requested that if the Commission considers creating flexibility in the moratorium, the moratorium should be 10 years or more. More flexibility should be created for the landowner so that projects not involving clear cutting or other major changes in the landscape can be done by the homeowner.

Tom Cook – 652 Sandra Lee Court SE, Olympia
Mr. Cook stated that he sees no evidence that any of the proposed Comprehensive Plan amendments or County ordinance amendments complies with the State Environmental Policy Act or it’s implementing regulations, WAC 197-11-210, 220, 232, or 235.

Mr. Cook’s concerns, comments, and recommendations are summarized in his written testimony letter dated November 20, 2002.

Ed Rauser – 607 Tartan Drive SW, Tumwater
Mr. Rauser expressed concern with the permitting process and expense for cutting down only a few trees. He also asked how a mine could get a permit if it isn’t designated.
David Ward – Landerholm Law Firm, 915 Broadway, Vancouver, WA
Mr. Ward stated that he provided written comments in a letter dated November 12, 2002. Mr. Ward added that what the Planning Commission should be concerned with designating too little, not too much, mineral resource land.

Mr. Ward referenced a case, Grant County vs. Saddle Mountain Minerals, that required reliance on Department of Natural Resource data and information from property owners, private mining associations, US Dept. of Agriculture Soil Conservation Service and the US Bureau of Mines for designating mineral resource lands. These are the resources CTED wants you to consider. Secondly, the use of best available science and site specific criteria should be looked at in the Special Use Permit process.

Mr. Ward stated that he represents Quality Rock Products and there are three sites they are seeking designation for. The first site labeled #8 on the existing map and #7 on the new map. Mr. Ward stated that the proposed designation corrects a mapping error. There is a 151-acre parcel with 80 acres designated. Quality Rock is requesting designation of the remainder of the property to keep the entire parcel protected under the designation. There is an existing mine there that has been there since the 60’s. It is also adjacent to another mine and is included under #7. There are two separate mines there, under common ownership.

Mr. Ward responded to some of the comments made during other testimony. Mr. Ward stated that there is no contaminated waste on the #7 property, on the Littlerock side. This has been independently verified by a ground water study done by the owner, and by Thurston County Department of Health. Another site is in Tenino, #6. There is an existing mine and with the designation would allow adjacent properties to receive notice. The site south of #7 is an area adjacent to an existing mine, which contains important resources that need to be protected.

Sue Danver – 7106 Foothill Loop SW, Olympia
Ms. Danver stated that she speaks on behalf of the Audubon Society with has 1100 members in Thurston County. Ms. Danver stated that she handed in written testimony but would like to address questions raised throughout the public hearing. Ms. Danver spoke about the cost the Audubon Society has incurred fighting Quality Rock’s permit application. The Audubon Society wants to protect the Black River Wildlife Refuge and there may be problems created by mineral designation and the grandfathering of mines.

Ms. Danver stated she agrees with the testimony of Tom Cook. Ms. Danver also addressed David Ward’s statement regarding studies done by the Department of Health. Ms. Danver added that no test have been done to the west of where the waste may be put. Water flows from east to west. No pits have been measured or well samples taken from the west. So it cannot be said that they are clear of having clean water and no waste on the property.

Ms. Danver also commented on the request to designate 665 acres as mineral designation. They say it is only recognition for identification purposes for neighbors. In the fall a planning officer told me that once something is designated as mineral lands, it is almost impossible to stop.

Ms. Danver suggested going with a 20-year outlay. We do not need to plan for 50 years. We may not have cars or fuel by then. It is not necessary right now to define any mineral designations.
Ms. Danver spoke strongly regarding the Quality Rock proposal. Ms. Danver stated that there are ways to prevent pollution by enclosing asphalt plants. Ms. Danver also expressed concern about water quality.

Carrie Bashaw – 4620 103rd Avenue SE, Olympia
Ms. Bashaw stated she is concerned with the proposed change on page 3-19, which eliminates important language and process that is identified on page 3-20. The 3rd and 4th sentences noted in paragraph one are deleted. There is no reason to eliminate this language. It seems prudent to keep this process in place.

Ms. Bashaw spoke in regard to the wells in the Deschutes River Park neighborhood area, which is not far from the area identified as #12, which would be designated as additional mineral lands. All of the wells in the area are from an underground water supply. The O’Neill pit leads directly into the water supply. Ms. Bashaw states that she hopes the designation from 500 to 1000 feet include notices to the residences of River Park about proposed mining operations.

Chair Bower closed the public hearing at 8:17 p.m.

3. **Worksession/Action: Natural Resource Lands Update**

Chair Bower stated that the worksession will need to take place at the next meeting to allow time for the Commission to review all the comment letters and allow time for staff to research issues raised during the public hearing.

Chair Bower requested that Jeff Fancher provide an analysis relating to SEPA and the Growth Management Act issues raised during the hearing. Mr. Fancher agreed to provide his analysis in writing.

Chair Bower referenced the statement raised regarding being a foregone conclusion once a parcel is designated. Chair Bower requested clarification as to whether any of the designations make it a foregone conclusion. Mr. Fancher stated he would provide something in writing.

Commissioner Lyman requested information on whether the designation confers a legal standing in the eyes of the judiciary.

Chair Bower requested someone from Environmental Health to participate in the worksession and provide comments on the studies referenced. Staff responded that they could provide information from the record of the Quality Rock case on this issue.

Commission Lyman asked what would prevent the County from expanding the notification process of mineral lands even though they are not long term resource lands. Ms. Hayes stated that county resources were a concern, given the number of mines (55) currently in the county, and the inability to track where potential new mines might be located in the future. Commissioner Lyman made the point that the argument that public notice was the best reason to designate additional lands was a weak one.

Commissioner Lovrien said that the argument of La Pianta (MAS Resources site) was a perfect example
of why public notice was a good reason to designate additional lands.

Mr. Knostman requested that the Commission email Jennifer as soon as possible with any additional questions that need answered. Jennifer will have answers to the questions at the next meeting. Commissioner Lyman asked when they would receive copies of the letters submitted at the hearing. Ms. Hayes asked the clerk to mail these copies out the next day. Copies are available to the public upon request.

4. Public Communications

None.

5. Approval of Minutes from November 6, 2002

Commissioner Lovrien moved seconded by Commissioner Lyman to approve the minutes for November 6, 2002. Motion carried.

6. Planning Commission and Staff Updates

Introduction of Nancy Pritchett

Mr. Knostman introduced Nancy Pritchett as the Associate Planner filling in for Jennifer Hayes while she is on leave.

7. Calendar

The next Planning Commission meeting is scheduled for December 4, 2002

The December 18th meeting has been cancelled.

No meeting will be held during the first week of January due to the Holiday.

The next regular scheduled meeting is scheduled for January 15, 2003.

Commissioner Paradise stated she would not be able to attend the meeting on December 4. The Planning Commission discussed the timing of a recommendation on the natural resources lands amendments. Staff said December 4 is preferred, as that will be the last meeting attended by Ms. Hayes before she goes on leave.

8. Adjourn

The meeting adjourned at 9:00 p.m.

Bob Bower, Chair
Peggy Paradise, Vice Chair
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Thurston County Planning Commission

DATE: November 20, 2002

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