MINUTES – Regular Meeting

Thurston County Planning Commission
Wednesday, December 4, 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, Tom Cole and Mark Lovrien
Members Absent: Peggy Paradise, Brian Fagernes
Staff Present: Jennifer Hayes, Fred Knostman, Jeff Fancher, Nancy Pritchett, John Sonnen and Cami Olson

b. Approval of Agenda

The agenda was approved.

c. Approval of Minutes from November 20, 2002

Commissioner Lyman moved seconded by Commissioner Lovrien to approve the minutes for November 20, 2002. Motion carried.

2. Public Communications

None.

3. Worksession/Action: Natural Resource Lands Update – Finalize Recommendation to the Board of County Commissioners

Ms. Hayes stated that there are three main issues that needed to be addressed tonight. The topics are as follows:

1) Ms. Hayes handed out a response she has drafted to a public comment letter by David Ward concerning additional changes to the Mineral Extraction Code regarding mining roads and the vacated permits; 2) Jeff Fancher handed out a Memorandum discussing his response to the issue raised at a public hearing concerning the SEPA process being in compliance or not; 3) The Planning Commission’s recommendation of which mineral lands should be designated and the basis for the Commission’s findings.

Commissioner Bower asked that staff review the public comment and list in a letter for the Board the issues that are not for the Planning Commission to consider, but may be for the Board’s consideration.
Staff agreed. Commissioner Bower also asked that the environmental process questions raised be addressed by Jeff Fancher, by attaching his memo to the recommendation letter. Staff agreed.

Commissioner Lyman raised issues concerning environmental review of the mineral lands designations. Possible changes to the designation process were discussed. Commissioner Lyman expressed her concerns about not having safeguards in place to protect the land prior to designation from the special use permit process. The concern raised is that the designation, once in place, will limit that land to mineral extraction with no safeguards in place with the designation. Commissioner Cole expressed his concern that the public is not able to clearly understand the designation process and suggests that the language be made clearer that permits should not be based on whether a site is designated. Staff agreed to add that language to the code. Commissioner Lovrien stated he supports additional designations for purposes of notifying the public that they may be locating next to a future mine site. The Commission agreed to not change the designation process at this time.

The topic was raised as to whether the mineral lands should be zoned instead of using an overlay designation. The Commission discussed the complications with zoning of mineral lands and the Commissioners agreed that the overlay process is a good process at this time. The Commission agreed to stay with the overlay process at this time.

Commissioner Bower asked Mr. Knostman to explain the purview that the Planning Commission has in the Special Use Permit process. It was explained that the Commission is able to make amendments to the zoning code and permit process, but not make permitting decisions. Ms. Hayes explained that the Commission could recommend changes to the regulations.

Commissioner Lyman expressed concerns she has heard about air quality issues such as the dust created from mining activity and also nuisance issues. Commissioner Cole brought up the issue of specifying setback distances set around mines and expressed his opinion that they need to be consistent with notification distances. Ms. Hayes explained the current notification distances for designated mineral resource lands is required by state law, and is different from the setbacks for mining activities. Ms. Hayes suggested that an action statement could be added to the plan calling for a future project to look at environmental issues around mines, including asphalt plants and concrete batch plants. The Commissioners agreed that this should be added to the Plan due to public concern on this issue.

Commissioner Cole expressed his concern about being limited to a 20-year projection of mineral resource needs, when the real goal is to protect an economic resource. Commissioner Cole believes that the County should consider the 50-year designation because he believes this will set aside the designated land for possible future use for mining. Commissioner Bower agreed.

Commissioner Bower brought up the issue of lakes, evaporation and drinking water near mine sites. Commissioner Bower asked that staff combine this topic in with the other issues for staff to review as part of the action statement. Ms. Hayes explained that these issues are already considered at some level in the SEPA process, but that they could also be added as an action statement.

The Commission expressed concern about minimum setbacks for the mine locations from residential and sensitive areas. The Commission concluded that they could recommend approving the expansion of designation on four of the seven mine sites. The Commission did not have enough votes to approve the Nisqually (Lakeside) and Black River (Quality Rock) mine sites. The Commission agreed to recommend 330 acres of the MAS Resources site near Offut Lake, but did not have enough votes to
recommend approval of designating the entire ownership.

Commissioner Bower requested that the Commissioners reevaluate the minimum setbacks in the mining ordinance and asked staff to place the request in the recommendation letter to the Board. Staff said this could be added as an action statement to the Plan. Commission agreed.

Mr. Fancher handed out a memorandum responding to three questions raised by the Commission at the November 20 meeting. Mr. Fancher spoke briefly on the legal interpretation of SEPA requirements. Mr. Fancher stated that SEPA must be done prior to the final action, which is the County’s practice. Ms. Hayes handed out and highlighted the additional changes to the mining regulations, including vacated permits and mining roads, in response to public testimony. Commission agreed with the changes.

Commissioner Lyman asked staff if a Programmatic Environmental Impact Statement had been developed by the Department of Natural Resources as recommended by an issue paper on mineral lands designation drafted by the Office of Community Development. Staff was not aware of the PEIS, but agreed to look into it. Commissioner Lyman also asked that protection of air quality be added to the narrative describing resources to be protected from the adverse impacts of mining. The Commission agreed to this change.

Commission agreed to make a recommendation to the Board to increase registration fees to pay for monitoring.

Commissioner Lyman suggested some additional, technical edits to the Plan to correct wording and grammar. One change included clarifying that the county’s designation process did not look at water quality issues, but broader criteria. Staff agreed to implement the changes.

**Commissioner Lovrien moved seconded by Commissioner Cole to recommend approval to the Board of County Commissioners of amendments to Chapter 3 of the Thurston County Comprehensive Plan, as amended. Motion carried.**

4. **Briefing/Set Hearing: Open Space Tax Application**

Ms. Hayes identified the parcel as a 65.33 -acre site located at 9021 Hunter Point Road NW. Ms. Hayes handed out colored photos of the site. Ms. Hayes spoke briefly of the site characteristics, public benefit rating system, estimated tax shift, and additional considerations. Ms. Hayes stated that staff recommends approval.

**Commission Lyman moved seconded by Commission Cole to set a hearing on for January 15, 2002 on the Willits Open Space Application.**

5. **Planning Commission and Staff Updates**

**Wireless Communications**

Mr. Sonnen stated that, based on past experience, roughly 200 people are expected to attend the public hearing on wireless communication facilities. To accommodate that number of people, an off site
location will need to be reserved. Mr. Sonnen explained to the Commission that the briefing before the Commission on wireless communications is scheduled for January 15th and asked the Commission to set the public hearing in advance for Thursday February 27, 2002 to reserve a room at the Lacey Community Center. Mr. Sonnen stated he would contact each Commissioner and if we have a quorum, he would move forward with scheduling. Commissioner Bower agreed.

**Vacant District 2 Position**
Mr. Knostman stated that Commissioner Diane Oberquell has appointed Liz Kohlenberg to represent District 2. Ms. Kohlenberg will be attending the January 15th meeting.

**Critical Areas Update**
Mr. Sonnen gave a brief update of the status of the Critical Area regulation updates. He said that the Board of County Commissioners had reviewed and accepted the work program and participants. They what to be briefed twice during the course of the project. Mr. Sonnen added that the workgroups would start in January to devise the proposed amendments to the Critical Area regulations.

**Rules of Procedure**
Mr. Knostman stated that draft changes would be forwarded to the Commission for the Jan 15th meeting.

**Low Impact and Zero Impact Development Seminar**
Commissioner Lyman stated that a seminar is scheduled for November 6th and those who are interested can contact her for more information.

**Quasi Judicial Comp Plan Amendments**
Mr. Knostman stated that the amendments will be presented to the Commission sometime in February and asked the Commission if they were interested in having a field trip to visit the sites. Commission agreed.

6. **Calendar**

The next Planning Commission meeting is scheduled for January 15, 2003.

The December 18, 2002 regular scheduled meeting and the January 1, 2003 meeting have been cancelled.

6. **Adjourn**

The meeting adjourned at 9:35 p.m.

Bob Bower, Chair
Peggy Paradise, Vice Chair
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<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</th>
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<tbody>
<tr>
<td>06/06/01</td>
<td>Is a Planning Commissioner prohibited to testify as a member of the public on issues before the Commission if they are not acting as a member of the Planning Commission</td>
<td>Lyman</td>
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<tr>
<td>06/05/02</td>
<td>Legal position of the Commission relating to inviting private interest groups to a Commission meeting to provide a presentation on their point of views on a topic when inviting a governmental agency to speak on a topic. Chair Bower also wanted to know the number of private interest groups the Commission would need to invite.</td>
<td>Bower</td>
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