THURSTON COUNTY PLANNING COMMISSION

Minutes
June 15, 2005

1. **Call to Order**

Chair Kohlenberg called the June 15, 2005 regular meeting of the Thurston County Planning Commission to order at 7:08 p.m. Everyone provided self-introductions.

   a. **Attendance**

   Members Present: Chair Liz Kohlenberg, Commissioners Tom Cole, George Darkenwald, Liz Lyman, Bob Musser, and Craig Ottavelli
   Members Absent: Chris Lane and Joyce Roper
   Staff Present: John Sonnen, Jennifer Hayes, and Cheri Lindgren, Recording Secretary, Puget Sound Meeting Services

   b. **Approval of Agenda**

   The Planning Commission accepted the agenda as presented.

2. **Public Communication Not Associated For Topics That Have Not Been Docketed As Quasi-Judicial**

   There were no public comments.

   *Commissioner Darkenwald arrived.*

3. **Briefing: Mineral Lands**

   *Staff: Jennifer Hayes*

   Ms. Hayes provided a review of the project history, County Board of Commissioner’s expectations, scope, and timeline. To date, the Planning Commission has had two briefings. The County is required to designate mineral lands of long-term commercial significance similar to agricultural and forest lands. The state recommends at least a 50-year planning horizon. Aggregate use isn’t
stopping and neither is population growth. A special task force spent several months reviewing mineral lands and location criteria and developed a set of recommendations. The task force also spent some time discussing asphalt plants siting criteria, but the Planning Commission will need to decide on an approach to this issue.

*Commissioner Cole arrived.*

Ms. Hayes presented a map showing existing mines and asphalt plants in the rural areas. The Planning Commission is dealing only with future asphalt plants, mines, and designated mineral lands sites. The goal is to get draft changes prepared for a public hearing. The Commission’s focus is where mines should be zoned, permitted, and designated rather than how they should operate. Operations are covered in the Mineral Extraction Code (MEC), which was not a subject of review for the Task Force, although there are recommendations that may affect the MEC.

The Board prefers that all options be sent for public review and a public hearing. Task force recommendations have been incorporated into the first draft. The document contains substantial optional language. The Board expects the project to conclude this year. The interim ordinance adopted in 2003 has been renewed twice and expires in October. Staff would like to complete the Planning Commission process by mid-August so that the Board can adopt an ordinance in October.

*Reclamation*

Ms. Hayes discussed reclamation of mine sites in response to earlier Planning Commission questions. All mines over three acres in size are required to obtain a reclamation permit from the Department of Natural Resources (DNR). DNR is responsible for monitoring reclamation. Ms. Hayes presented several photographs of reclamation sites. Each site has a different reclamation plan with different details. Sites have to be reclaimed under regulations when mined out. For sites in forestry districts, the task force has suggested no net loss of forestry resources. In the draft, the only way a mine can be permitted in a long-term forestry area is if it could reasonably be returned to forestry use. Weyerhaeuser has submitted a comment letter that they would like to see mining as an outright use in long-term forestry areas. The state requires an applicant to have a reclamation plan. The County will not issue a special use permit until the reclamation permit has been secured.

Mines under three acres in size do not need a reclamation permit from the state. However, the County requires them to be reclaimed. The County does not have staff resources to adequately monitor numerous small mine sites. A majority of the task force recommends a minimum site of five acres, which would not allow smaller mines outside of designated areas. Anyone can mine material on their own site and use it on their own site without a mineral extraction special use permit. That is not part of the issue. A minority position on the task force believes there should be some type of exemption for small sites, e.g., farmers and small operators who sell a small amount of gravel. Both alternatives are reflected in the draft language. There is some uncertainty about the commercial viability associated with a minimum five-acre site. All task force members agreed that the process should include requiring designation before a special use permit is granted.

Material imports have been an issue. The intent of the regulations is when sites are mined out,
special use permits expire and any accessory uses are done as well. The site needs to be reclaimed and mining operations ceased. The County does not have any influence regarding reclamation as it is regulated by the state.

Staff and members discussed the relationship between asphalt production and gravel mines. Uses associated with mines other than asphalt production are accessory uses to mining operations. These accessory uses cease when the mining is completed. The intent is when the mine is at the end of its useful extraction life it is shut down and reclaimed. The County has designated and permitted mines in rural areas or outside industrial use districts as temporary uses. Ms. Hayes said the question is whether asphalt plants should be accessory and close to the resource, or separately, or perhaps both. The task force has suggestions for minimum sites if they are accessory to the mines, and the interim ordinance allows for asphalt plants in some industrial districts. The Environmental Protection Agency (EPA) does not regulate asphalt plants as a heavy industry.

**Designation process**

Ms. Hayes presented one of two options for designating mineral lands - a mineral resource overlay. This option is difficult without detailed information or an inventory map. Staff presented a map showing potential gravel resource sites within the county on a large scale. Staff did ask the Board about working with DNR to produce a comprehensive inventory of the best resources with corresponding detailed explanation. Staff currently does not have adequate information to develop a detailed mineral resource overlay based on where the best resources are. The cost for the DNR effort is $80,000 and the Board of County Commissioners is thus far not interested in funding the project. The overlay option, if done, would provide the opportunity to create additional regulatory tools such as controlling land uses that can locate in overlay areas. But Ms. Hayes stated even with the overlay, there are site-specific details that cannot be captured. A special use permit and environmental review, and possible site-specific designation would still need to be required within the overlay area. The process would provide those living in rural areas some certainty where mining will occur in the future.

The second option is mineral lands site-specific designation using the comprehensive plan amendment process. A resource use notice would be sent to those within 1,000 feet of the borders of the site based on parcel boundaries. Similar process to the way designation is done now, but there would be enhanced criteria at the designation stage. There is a process available to undesignate a site. Site designation is a legislative action and not a hearing examiner process.

The two approaches share similarities. Both benefit from designation prior to permitting. Designation is not a permit or a guarantee for a permit. With the first option, there is also the potential to go directly to a special use permit within an overlay district. Both processes share the same exclusionary criteria. Based on task force recommendations related to criteria, Ms. Hayes presented several maps showing the likelihood of gravel sites being located. The task force recommends that those sites with Class I and II wetlands are not suitable for designation. Class III and IV wetlands could be considered subject to critical areas regulations. The problem is delineation of the wetland would have to be required at the time of designation. This is a normally a permitting issue dealt with at the special use permit stage. The Critical Areas Ordinance does not allow a
permit to mine in the areas that are protected. After additional overlay zones are applied, there may not be much land left for mining purposes.

**Staff will provide the following information at the Commission’s next briefings.**

- The number of mine sites that are currently less than five acres in size.
- Data from the state related to the timeframe an applicant has to complete the reclamation process.
- A countywide map showing available land for mineral purposes after taking critical areas and other overlays into consideration.

Ms. Hayes referred to the first draft of the *Integrated Draft of Mineral Lands Designation and SUP Alternatives*, in Tab 17 of the binder, which incorporates recommendations of the task force and Planning Commission as of June 3, 2005. Minimum designation criteria were reviewed.

There was significant discussion about test 2 on page 2, “At least 60% of the area within 1,000 feet of a designated mineral lands site should have parcels larger than 5 acres in size at the time of the application for designation.” Commissioners expressed some concerns. As written, it appears the parcels have to be consumed within the 1,000-foot buffer. If a portion of a small parcel lies within the 1,000-foot buffer, it should count. Staff agreed it should be clarified. Ms. Hayes explained the intent is to not have higher density areas located next to the mine. **For the next briefing, staff will present examples of how the test has been applied, and rework the language to clarify how it is measured.**

Commissioners and staff discussed test 3 on page 2, “Designated mineral lands should be separated by a distance of at least 500 feet from the boundary of any residential zoning district that has a density greater than 1 dwelling units per 5 acres.” A minority on the task force believed the test is not needed. Another minority believed the 500-foot measurement was arbitrary. **The Planning Commission added the option of a 1,000-foot boundary as an alternative for consideration.**

Ms. Hayes reviewed the minimum designation criteria as it relates to the proximity to critical areas, and alternatives suggested in the draft. The first alternative designates the entire parcel but specifies that the special use permit will exclude any areas within the parcel that can’t be mined because of critical areas. Setback distances and geologic hazards within the mineral extraction code were briefly discussed. Ms. Hayes said the goal is to develop policy language about how to exclude critical areas. She referred to page 17 of the draft. Staff borrowed language from the draft Critical Areas Ordinance to address water quality and groundwater flows. Commissioner Cole said he would like to see air quality included. A brief discussion of SEPA review picking up impacts beyond the boundaries of a parcel ensued. Ms. Hayes added operational issues are addressed in the Mineral Extraction Code. Commissioner Lyman stated the extraction code does not address geologic hazards even though the draft Critical Areas Ordinance refers to the extraction code for restrictions. How to protect adjacent areas, not necessarily on the parcel’s critical areas, appear to be of concern to the Commission.

Ms. Hayes referred to d or e on page 17, “The SUP shall not be permitted if the proposed mineral
extraction activity would create sediment harmful to aquatic life in streams, lakes, or marine shorelines that occur on the parcel.” This was copied from the Critical Areas Ordinance. **Staff suggested the Planning Commission consider what the appropriate proximity to critical areas should be, if they would like to include adjacent properties.**

Ms. Hayes added the task force understood the Critical Areas Ordinance is under review but didn’t know how it was going to change. The task force focused on the designation level and recommended designating the whole parcel. Special use requirements would be triggered when an applicant requests a special use permit. The task force had a difficult time with the issue of priority habitat and species. The draft attempts to incorporate those elements within the designation criteria in a broad manner. Ms. Hayes reviewed the next steps in the process.

**Staff requested the Planning Commission review the draft ordinance, the Mineral Extraction Code, and consider the critical areas designation criteria. Staff will e-mail the “homework assignment” to absent members.**

The Planning Commission agreed that sending the final draft to the task force for review and comment is a good idea.

The Planning Commission requested alternative language to be shown in a “box” in the draft document.

4. **Approval of Minutes and Acceptance of Tapes from May 25, 2005.**

The following corrections were requested to the minutes of May 25, 2005.

- Page 1, last paragraph, 5th line, should be revised in part to read as follows. “Commissioner Lyman said it’s important the record note that according to Mr. Miller, the professional judgment can be relied upon in the absence of Best Available Science.” The rest of the paragraph is deleted.
- Page 3, 3rd paragraph from the bottom, first sentence should read as follows: “Chair Kohlenberg suggested a separate definition for agricultural land of long-term commercial significance.”
- Page 5, 6th paragraph from the bottom read: “Chair Kohlenberg recessed the meeting from 7:52 p.m. to 8:10 p.m. for a break to pay tribute to Peggy Paradise whose last day on the Planning Commission was today.”
- Page 6, 5th paragraph, references to “floodplane” should be changed to “floodplain.”
- Page 6, 7th paragraph, strike “Commissioner Lyman” and replace the words with “It was.”

It was moved by Commissioner Musser, seconded by Commissioner Lyman, to accept the tapes and approve the minutes of May 25, 2005 as amended. The motion carried.

**Approval of Minutes and Acceptance of Tapes from June 1, 2005.**

Commissioner Lyman moved, seconded by Commissioner Musser, to accept the tapes and
approve the minutes of June 1, 2005.

The following corrections were requested to the minutes of June 1, 2005.

- Page 2 under public hearing, 3rd paragraph read “There being no public comment, Chair Kohlenberg closed the public hearing at 7:06 p.m.”
- Page 3, first line, “DEPA” should be “SEPA.”
- Page 5, 3rd paragraph, 2nd line, change “Environmental” to “Endangered.”

Motion carried as amended.

A majority of the Planning Commission preferred the summarized and bulleted format of the minutes. The Planning Commission requested as a courtesy to both the Commission and staff that all action items be shown in bold typeface.

5. Staff Updates

   Staff: John Sonnen

The Western Washington Growth Management Board of Appeals hearing on the 1000 Friends case is scheduled from 9:00 a.m. to 2:00 p.m. on June 16, 2005 at the CTED building at 9th and Columbia Streets in the 5th floor conference room. Staff anticipates a decision no later than July 20, 2005 and will brief the Planning Commission.

6. Calendar

Who will not attend the following upcoming Planning Commission meetings?

- June 22, 2005 - Hearing: Open space; Briefing: Mineral lands; Briefing: Critical Areas follow up (Commissioner Darkenwald unable to attend)
- July 6, 2005 – Briefing: Critical Areas follow up/set hearing date (Commissioner Ottavelli unable to attend, Commissioner Roper questionable)
- July 13, 2005 – Briefing: Mineral lands/set hearing date
- July 20, 2005 – (Commissioner Cole unable to attend)
- August 3, 2005 – (Commissioner Kohlenberg unable to attend)

Commissioner Lyman reported the subcommittee will meet Saturday or Sunday to review the draft Critical Areas Ordinance. She anticipates mailing the draft to staff the following Monday or Tuesday. The Planning Commission has agreed it does not need to see a revised draft following the editing committee’s review unless changes are substantive in nature.

A brief discussion of securing a quorum for the July 6 meeting and recruiting a new member ensued.

NOTE: No additional Parking Lot issues were added during the meeting.
7. **Adjourn**

Chair Kohlenberg adjourned the meeting at 9:36 p.m.

Prepared by Cheri Lindgren, Recording Secretary, Amended July 6, 2005
Puget Sound Meeting Services

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Liz Kohlenberg, Chair
Tom Cole, Vice Chair

**Thurston County Planning Commission**
# REQUEST FOR INFORMATION
## SUMMARY SHEET

<table>
<thead>
<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</th>
<th>STAFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/26/05</td>
<td>Field Trip when begin working on Development Code Docket or at least comprehensive maps</td>
<td>Chair Kohlenberg</td>
<td>Advanced Planning Staff/N. Pritchett</td>
</tr>
<tr>
<td>1/26/05</td>
<td>Commissioner Cole has concerns for citizens and how they can find out if there are impediments as to what can be done with a piece of property</td>
<td>Commissioner Cole</td>
<td>Not identified</td>
</tr>
<tr>
<td>2/16/05</td>
<td>TCPC participate in the CFP process or comments</td>
<td>Commissioner Lyman</td>
<td>John Sonnen/Mark Swartout</td>
</tr>
<tr>
<td>2/16/05</td>
<td>Balancing GMA goals with the WEAN decision</td>
<td>TCPC</td>
<td>J. Sonnen</td>
</tr>
<tr>
<td>2/16/05</td>
<td>Requested advice on whether legal counsel should be present at public hearing</td>
<td>TCPC</td>
<td>J. Sonnen</td>
</tr>
<tr>
<td>2/16/05</td>
<td>Revised Draft Work Plan for Advance Planning</td>
<td>Commissioner Kohlenberg</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/18/05</td>
<td>Establishment of a subcommittee to study cumulative impacts of development on steep slopes</td>
<td>Staff</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/18/05</td>
<td>Consider special management areas the TCPC may want to evaluate for critical areas, infiltration, and development within the UGAs</td>
<td>Staff</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/18/05</td>
<td>Requested staff to check on “aggrieved person” within the definition section of the CAO</td>
<td>TCPC</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/25/05</td>
<td>The Commission, after review of the Definitions and Administrative sections of the CAO requested numerous changes, deletions, and additions to various provisions within the sections</td>
<td>TCPC</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/25/05</td>
<td>Commissioners agreed to review the tentative calendar of future meetings and forward suggestions to staff</td>
<td>TCPC</td>
<td>J Sonnen</td>
</tr>
</tbody>
</table>
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