THURSTON COUNTY PLANNING COMMISSION

Minutes
October 19, 2005

1. **Call to Order**

Vice-Chair Cole called the regular meeting of the Planning Commission to order at 7:01 p.m. All present provided self-introductions.

a. **Attendance**

Members Present: Commissioners Tom Cole, Liz Lyman, Bob Musser, Craig Ottavelli, Joyce Roper, and Rhenda Strub.

Members Excused: Commissioners George Darkenwald, Liz Kohlenberg, and Chris Lane.

Staff Present: John Sonnen, Jennifer Hayes, Diana Smith, Scott Clark, Sue Davis, Art Starry, and Recording Secretary Cheri Lindgren.

b. **Approval of Agenda**

**Commissioner Roper moved, seconded by Commissioner Musser, to approve a revised agenda to add a discussion about issues from last week’s meeting to staff updates. Motion carried.**

2. **Public Communications.**

There were no public communications.

3. **Hearing: Comprehensive Plan Amendments**

**Topics are: Olympia and Lacey Joint Plans, rezone in the Lacey UGA, Capital Facilities Plan, and updated reference to Grand Mound Service Area**

Vice Chair Cole opened the public hearing for the Comprehensive Plan amendments at 7:05 pm.

**Amy Tousley, representing Puget Sound Energy (PSE), 2711 Pacific Avenue SE, Olympia, provided testimony on the Lacey Joint Plan Utilities element. PSE has worked closely with city**
and County staff in updating the Utilities Chapter. PSE has no objections to the additional text. PSE is regulated by the National Electric Safety and National Electric Codes when addressing Electric Magnetic Fields (EMF) issues. When proposing an electrical facility, the issue comes up during the SEPA process and/or conditional use application at the local government level.

Commissioner Roper asked if federal legislation preempts local regulations with respect to PSE facilities. Ms. Tousley replied PSE has a federal mandate. At the project level, PSE has been asked to analyze the impacts of EMF. PSE is separate from the telecommunications industry. Preemption involves a different set of regulations.

Dave Burns, Principal Planner for the City of Lacey, said the Thurston County Planning Commission asked the question at its last meeting. He contacted Municipal Research Services Corporation and the Planning Commission is correct. There is no federal legislation preempting local jurisdictions from considering EMF issues. The language in the proposed amendment can be omitted.

There being no further public testimony, Vice-Chair Cole closed the public hearing at 7:15 p.m.

4. **Worksession/possible action: Comprehensive Plan Amendments**

Mr. Clark stated at its last meeting, the Planning Commission questioned the approval process for water system plans (WSPs). He presented a *Water System Plan Approval Process* flowchart and explained the process from a city or private purveyor and County perspective. The new checklist developed by the Washington State Department of Health (DOH) requires a county consistency check to ensure all land use and comprehensive planning regulations are met. The WSP met the consistency check. However, there is additional language in state law requiring the County to take an additional step.

The County process begins with a draft or amended WSP. The difference between a city and the County is that Thurston County has what is called a *water general plan*. When the general plan is amended, it triggers a different requirement - a review committee. The County is required to forward its WSP to DOH. DOH forwards the plan to the Department of Ecology (DOE) for review, comment, and for approval. RCW 36.94.110 requires the County to provide the Board of County Commissioners (BOCC) with a notice of intent to amend the plan. Despite the fact the BOCC has developed an ordinance stating the County intends to provide service outside the current water system boundary, the County is still required to meet RCW requirements. The BOCC submits the amendment to a committee for review and comment. The BOCC selects and appoints the committee and provides the committee an opportunity to review the WSP. The confusing element is the amendment must be approved by the Department of Social and Health Services (DSHS) that no longer reviews WSPs and to the DOE prior to commencement of any plan or amendment. Staff did not meet the RCW statute but will forward a cover memo with a copy of the WSP to DSHS.

The 2003 municipal water law was to have aligned the processes and developed memorandums of understanding between DOH and DOE. This piece was not addressed in the law.
Mr. Clark said he has developed a recommended list of citizens to make up the review committee. The committee meetings will be cycled into the public hearings process. Staff is working to meet the RCW mandate and will seek changing the law.

Commissioner Roper commented on cumulative impacts to the water system if all development projects in the Grand Mound service area come to fruition. Mr. Clark responded the new municipal water law requires the County to identify in its plan a six- and 20-year future service area. This is in addition to a County consistency review. The Planning Commission plays an indirect role through its adoption of the comprehensive plan and land use regulations. Utility rules of practice are the County will seek to provide utility service where density warrants. The 2002 ordinance requires development fund and deed the utility, infrastructure, and water rights to the County. Discussion of potential downzoning of the service area followed.

Mr. Clark said if downzoning occurs the WSP will be adjusted accordingly. Staff can only base the amendment on currently adopted plans. He indicated he spoke with Nancy Pritchett who relayed a significant portion of the area may be eligible as Limited Areas of More Intensive Rural Development (LAMIRD). He presented a map showing an amended Grand Mound service area and reviewed the parcel areas, pending construction, and developed lots. The area is substantially built-out. Commissioner Lyman said with water availability, the vicinity could still intensify and densify with additional subdivisions.

Discussion ensued about the approval process and impacts to other properties. Mr. Scott said any new water system is required to treat the water. The nitrate and bacteria problems will continue with or without higher densities.

Sue Davis and Art Starry with the Thurston County Health Department introduced themselves. Ms. Davis distributed a Scatter Creek Aquifer Water Quality paper to staff and Planning Commissioners. Staff provided a map and outlined the aquifer area. Glacial ice blocked the northward drainage of water within Thurston County. The drainage route that formed the aquifer was constrained, which is represented by the coarse materials within the aquifer. The aquifer flows extremely fast. Most aquifers experience flows measured by centimeters. The range of flow through the Salmon Creek aquifer varies from 1 to 60 feet a day with an average of 16. The bedrock depth ranges from 45-140 feet. The saturated zone above the bedrock is where the wells are located. The static water in the wells ranges from 20-60 feet, or even 10 feet depending on the location. The aquifer along its edges is shallow and deeper in the middle. The aquifer generally flows from the east near Tenino to the west-southwest towards the Chehalis River.

Ms. Davis presented another map outlining high nitrate and coliform contamination areas. Nitrate levels of 4.0 parts per million (ppm) and above are reflected on the map. The County has adopted early warning levels at 2.0 ppm and critical action levels at 4.0 ppm. There is a pattern to the nitrates in the aquifer. Nitrate concentrations east from Tilley Road are below 2.0 ppm. Moving to the southwest, the concentrations increase to 4.0 ppm. There are areas that exceed 10.0 ppm. In any given year, the nitrate concentrations in any given well can vary significantly based on factors such as how quickly the aquifer moves, rainfall, and time of year.
Based on land uses in the area, the highest nitrates are down gradient of major agricultural operations. Ms. Davis provided a map and outlined land use patterns, densities, and the high nitrate areas located west of Tilley Road. The dense, onsite systems in Tenino are not experiencing high nitrates levels. Ms. Davis reviewed a table on page 4 of the handout that compares the potential nitrogen generated by livestock and humans. To put the information in perspective, one 200 cow dairy generates as much total nitrogen per day as 643 single-family residences with four people per each residence. Ms. Davis distributed two papers prepared by DOH discussing onsite systems, minimum land densities, and treatment.

Ms. Davis referred to the coliform bacteria contamination in the Scatter Creek aquifer. The first bacteriological investigation was in the southeast corner of the aquifer near Tenino. The outcome of the investigation was inconclusive, as results were inconsistent. Public water systems undergoing a disinfection process are shown on the map in “dark green.”

In 2004, the County offered free water sampling to residents in the area in an effort to raise awareness of the aquifer and to obtain a broader sampling of the wells. A total of 81 wells were sampled with 38% testing positive for coliform bacteria. Unlike the nitrate concentration, there are bacteria present throughout the aquifer. Mr. Starry added it is likely the bacteria contamination is a result of course sand and gravel material unable to filter the organisms out before reaching the water table.

Mr. Sonnen said the Scatter Creek critical area regulations, if approved, would limit some of the uses that have the potential to contaminate the aquifer. The proposed aquifer recharge regulations include identifying and controlling nitrates from agricultural operations where problems have been documented.

Mr. Clark said when a water system is in receivership, the County is required to assume control. It’s desirable to avoid the proliferation of small water systems, which the County code provides for. The development driving the proposed amendment attempted to obtain water from another Group A system but could not secure the water rights. Rather than have its own water system, the County’s Coordinated Water System Plan requires the developer to approach the next Group A water purveyor, which is the County.

Commissioner Roper commented the proposed water park project in Grand Mound will attract future development. She asked if it is within the Grand Mound urban growth area (UGA) and whether the development will have sewer service. Mr. Clark affirmed it will and that on a broader level, the tools available to local government to address the use of fertilizers, pet waste, and stormwater runoff associated with urban densities include public information education (PIE), land use regulations, capital facilities, and enforcement. The bacteria problem can be solved with chlorine and there is a treatment process for the nitrates. However, there is a bigger picture.

Commissioner Lyman said the County can solve the problem for those on public water systems. She said she is concerned about rural area residents who are not served by a public water system.
It would be helpful if staff could bring issues to the Planning Commission at the front end so the Commission can provide substantive input. A brief discussion of the County’s water sources followed.

Mr. Clark requested the Planning Commission defer its recommendation of the Grand Mound WSP amendment until it has the findings from the review committee. He anticipates a staff recommendation by the Planning Commission’s November 2, 2005 meeting.

Ms. Hayes presented the Lacey Housing and Utilities Chapter amendments. Staff added references to the County’s critical areas, cell tower ordinances, and language related to low impact development. Policies related to utilities and housing goals and policies jointly adopted by the County are indicated by an asterisk. In response to previous questions about the fair share housing policy language, Ms. Hayes clarified there are policies in the housing chapter that address fair share and all ranges of housing. The policies are not mutually exclusive or in conflict with each other. The policies work together.

Vice-Chair Cole said his concern is references to the different levels of housing needs such as extremely low, very low, low, low to moderate, and that it may be confusing to those reading the document. He referred to policies listed under “E” and “F” and asked about the references to require, promote, encourage, and ensure. There is a big difference between saying, “encourage and promote” versus “require and ensure.”

Commissioner Ottavelli suggested Vice-Chair Cole’s concerns with some of the policy language could be included in the Planning Commission’s letter to the BOCC.

Ms. Hayes said the references to the different levels of housing are intentional based on definitions. Vice-Chair Cole stated all of his concerns are with asterisk items.

*The Planning Commission requested the paragraph starting at the bottom of page 9 and continuing at the top of page 10 speaking to federal preemption for EMFs be deleted from the utilities chapter.*

There were no changes recommended to LAC-2, Joint Plan Map Housekeeping Change: Renaming “Village Center” to “Village (Urban) Center.”

Mr. Burns reported the Lacey Planning Commission reviewed the QJ-1 Abdulghani Rezone on October 18, 2005. The Lacey Planning Commission concurred with staff’s proposal to recommend approval of the rezone.

Mr. Sonnen reported there are two amendments from Olympia - Housing and Transportation Chapter updates. Commissioner Kohlenberg had suggested adding a table showing the housing trends accurately. It was not clear if there was consensus from the Planning Commission to include a table.

*The Planning Commission concurred with including the Thurston Regional Planning Council*
(TRPC) website address for buildable lands information to the proposed amendment.

A brief discussion of the different formats used in the County and Olympia comprehensive plan documents ensued.

Specific to the transportation chapter amendment, Mr. Sonnen distributed one set of maps for the Commission’s review. There are no policy implications. The amendment deletes out-of-date information and adds updated data.

Mr. Sonnen offered to draft the Planning Commission letter to the BOCC. The letter will be presented to the Planning Commission for review.

Mr. Sonnen reported Mr. Swartout is out of the office. Mr. Swartout forwarded Vice-Chair Cole’s request that some of the data information in the Capital Facilities Plan (CFP) needs updating. Central Services is working to provide more accurate information and changes will be made prior to adoption.

Commissioner Lyman said the Planning Commission’s approval of the CFP is contingent upon the corrected information included in the CFP final draft.

The Planning Commission concurred for Vice Chair Cole to review the information when it is available from Central Services. If the information is not in the CFP prior to the Planning Commission’s letter to the BOCC, an exception needs to be noted as well.

Commissioner Ottavelli moved, seconded by Commissioner Lyman, to approve the Olympia/Lacey Joint Plans, rezone in the Lacey UGA, and the Capital Facilities Plan contingent upon Vice-Chair Cole’s final review of the corrected information. Motion carried.

5. Approval of Minutes and Acceptance of Tapes from August 24, 25, and September 21, 2005.

Commissioner Roper moved, seconded by Commissioner Ottavelli, to approve the minutes and accept the tapes from the August 24, August 25, and September 21, 2005 meetings.

The following corrections were requested to the August 24, 2005 minutes:

- On page 2, in the sixth paragraph, the fifth line should be changed to read “Structures may be expanded vertically and horizontally 500 feet…”
- On page 3, in the third paragraph, within the second line, insert a “comma” between surface and groundwater. In the last line of the same paragraph add the word “away” between structure and potential danger.

The following corrections were requested to the September 21, 2005 minutes:

- On page 2, in the first full paragraph, insert the words public health between “a” and “publication.”
• On page 8, in the fourth paragraph, the second line should read, “The zoning is 1-6 units an acre, but can be developed at only one unit per acre without water and two units per acre with water.”
• The motion on page 9 also included scheduling the Olympia joint plan for public hearing on October 19, 2005 at 7:05 p.m.

All in favor of the motion as amended. Motion carried.

6. **Briefing/follow up: Rural rezoning**  
   **Staff: Diana Smith**

Ms. Smith provided an overview of the rural rezoning briefing at the Planning Commission’s October 12 meeting. At the request of Commissioner Ottavelli, discussion ensued about considering parcels greater than 20 acres in size rather than 10 acres as the threshold for the alternatives. Commissioner Roper said the Planning Commission agreed that property owners of 10 acres or more will receive notices for the public process.

Ms. Smith said the map alternatives were based on parcels greater than 20 acres. The 10-acre threshold was limiting whereas parcels of 20 acres permitted the analysis to consider larger areas and afford more flexibility. Parcels greater than 10 acres did not contribute significantly to the rezoning alternatives.

*The Planning Commission generally concurred to include 10-acre parcels on the map alternatives.*

Mr. Sonnen said considering 10-acre parcels may assist the Planning Commission when examining zoning district boundaries. Commissioner Roper said it’s better to be more inclusive with the public process and invite property owners of 10 acres or more.

Ms. Smith said it’s important to note the Planning Commission will likely be unable to update the task forces between now and the time the Commission’s recommendation about study areas is rendered. The work groups are not meeting regularly.

Mr. Sonnen distributed a tentative calendar. Ms. Smith reviewed the four workshop vicinities: Steamboat Island, Nisqually, Rochester and Rainier and/or Yelm. The Rainier and/or Yelm meeting has not been scheduled. The actual forum will consist of an open house/information fair and workshop. A separate discussion should be considered on how the County’s working groups/task forces should be involved in the process. Commissioner Roper suggested including the task forces membership in the public mailing effort inviting their attendance. Ms. Smith briefly highlighted workshop and decision points discussed at the Planning Commission’s last meeting.

Mr. Sonnen said staff is looking at the Planning Commission convening on December 21, 2005 to consider the information gained from the workshops and using it as guidance to develop the appropriate areas for rezoning. On January 4, 2006, the Planning Commission could review its
recommendations for the recommended study areas. A report is due to the Western Washington Growth Management Hearings Board (WWGMHB) on January 18, 2006. Staff anticipates presenting the report to the BOCC no later than January 16, 2006.

Ms. Smith said those owning more than 10-acre parcels will receive a public notice. Mr. Sonnen added the notice will be posted on the County’s website, published, and distributed to other interested parties. Vice-Chair Cole said the rationale for the Planning Commission’s review for rural rezoning should be very clear in the public notice; i.e., the WWGMHB has issued a mandate to the County. Commissioner Roper added that explaining the consequences of not meeting the directive are also important points for the notice.

Ms. Smith reported the language to be used for information boards, workshops, and public notices will be very similar to what is posted on the County’s website. She suggested members review the website information and forward any comments or questions to staff. The PowerPoint presentation is also posted on the website. Commissioner Ottavelli said an important distinction is that the website is not promoting the information and that it is not realistic to expect all members of the public to be educated and ready to make rezoning area recommendations on the night of the workshop.

Ms. Smith reported those attending will receive a comment sheet including a question on the backside, “what kinds of lands should be less dense.” Commissioner Ottavelli said the public will need time to digest the information presented at the workshops. A majority of the public participating in the critical areas ordinance said they needed more time to consider the information. Vice-Chair Cole said it’s important that the public is aware that their input was considered prior to the Planning Commission making its recommendation.

Ms. Smith reviewed the topics for the information boards that will be available at the workshops. Staff will be stationed as greeters and at the information boards to answer questions. The public will be given an information sheet explaining the purpose of the workshop, how the information will be used, and an agenda. If people want to leave early there is a place to drop off their comments. The public will be aware that the effort is a multi-phase project and encouraged to be engaged early in the process. Following the information fair, staff will provide a short presentation. The public will then break into facilitated workshop groups. Following the facilitated discussion, each group will present discussion results to the entire group. The facilitators will use flipcharts to take notes. The desired product is identification of potential rezone areas on a map.

Commissioner Ottavelli said the public is capable and can and will step forward to provide input the Planning Commission is seeking. He expressed some concerns about the process and the expectation the public must provide information at specific times. He expressed support for the process but suggested affording the public with some time to provide input.

Commissioner Roper said the WWGMHB will want to know that the County is making progress. The Planning Commission is establishing its process. Four workshops may not be sufficient. With the arrival of the holiday season, additional meetings may have to be postponed until after
the first of the year and the timeline may have to be extended beyond the January 18, 2006 report date. Mr. Sonnen replied that nothing precludes the County from extending the timing. The task is what’s viable to deliver to the WWGMHB that demonstrates the County is making progress.

Vice-Chair Cole said a concern is the Planning Commission refining the study areas and forwarding a recommendation to the BOCC in late November/early December. Ms. Smith commented the flowchart has changed somewhat based on the upcoming workshop schedule.

Mr. Sonnen asked how the Planning Commission would use the additional time if the project is pushed back. Commissioner Ottavelli suggested holding the workshops as planned with a public question/answer session. The questions could help determine the future process. The public would then be invited to future workshops. A smaller audience that is invested in the next steps of the process will attend the future workshops.

Ms. Smith said she participated in a similar process suggested by Commissioner Ottavelli. It resulted in the first phase taking about five months. There are different alternatives that can be used to accommodate differing public viewpoints with the workshop format as proposed. As an example, the information fair could be expanded, or perhaps hosting several information fairs followed by workshops at a later date. It is important to realize what it means in terms of time. Mr. Sonnen added the Planning Commission will need time to refine the proposed rezone areas. Further discussion of the public process and workshop options ensued.

Mr. Sonnen commented that some of the public will be more thoughtful and will want to fully understand the task before making a decision. He suggested an additional workshop that would enable attendees to break into geographical areas to talk about the rezoning study areas. Commissioner Roper said it is possible people will come to the meetings unhappy and want to express that during the workshop time. The Planning Commission could come back later with a second meeting.

Mr. Sonnen said the Planning Commission could host north and south County open houses that are strictly informational. A few weeks later the public could attend workshops. Vice-Chair Cole said the mailing should clearly define the workshop/meeting format and include the dates. Ms. Smith suggested open houses could be held the week of November 14, 2005. Commissioner Ottavelli said there should be at least a couple of weeks between the open houses and the workshops. Commissioner Roper expressed concerns about scheduling meetings during the holidays.

Commissioner Strub suggested the Planning Commission schedule the informational sessions during the first two weeks of December and conduct the workshops beginning the first week of January. Commissioner Ottavelli said the informational sessions should consist of distributing information, a staff presentation, and providing the public an opportunity to comment and ask questions. Commissioner Lyman suggested a less technical, user-friendly presentation similar to the PowerPoint show given to the Planning Commission and BOCC.

The Planning Commission agreed to host two information sessions prior to the Christmas
holidays followed by the four workshops the first part of January. The meeting notice should outline the schedule, clearly explain why the Planning Commission is mandated to consider rural rezoning study areas, and the notice should be mailed to all property owners who own 10 acres or more. The Planning Commission will revisit how and who will facilitate the workshops and how to involve the working groups at a future meeting.

7. **Staff Updates**
   * Staff: John Sonnen*

   - The Board amended the moratorium to release the unincorporated County islands in the cities of Lacey and Tumwater.
   - The Board will receive a briefing on the comprehensive plan amendments on November 16, 2005.
   - The Board will receive a briefing on the Planning Commission’s work program and analysis of the urban growth area resizing on November 23, 2005 from 3:30 p.m. to 4:30 p.m. Commissioner Lyman relayed she will attend the November 23, 2005 meeting.

Commissioner Lyman said those unable to attend the critical areas ordinance (CAO) public hearings need to listen to the tapes in order to participate in the CAO worksessions.

Commissioner Lyman said at the last meeting, a member stated the Planning Commission should consider how the CAO will impact the electability of the County Commissioners. The comment illustrates the confusion about the role of the Planning Commission. She quoted RCW 35.63 that outlines the Planning Commission’s authority and duties. The Commission is an advisory group that studies issues and forwards recommendations to the BOCC. The recommendations should be based strictly on the merits of the issues after objective deliberations. Vice-Chair Cole said a member of the public misinterpreted the statement he made at the last meeting.

8. **Calendar**
   *Who will not be attending the upcoming Planning Commission meetings?*

   November 2 - W/A: Comprehensive Plan Amendments (if needed); W: Critical Areas *(Commissioners Kohlenberg and Strub are unable to attend)*

   November 16 - Rural rezoning; LAMIRDs *(Commissioners Kohlenberg, Lyman and Cole are unable to attend)*

Commissioner Roper reported Commissioner Lyman located a memo prepared by Jeff Fancher in 2001 discussing public disclosure. Notes and draft reports might be helpful should there be litigation resulting from plans or ordinances the County might adopt. Mr. Sonnen said he is interested in collecting member notes related to the CAO. Commissioner Ottavelli said he would like to have something in writing outlining what records the Planning Commission should retain. Commissioner Lyman indicated there appears to be conflicting advice from legal counsel.

Mr. Sonnen said there are minutes from some of the CAO subcommittee meetings, but not all.
Member notes would help in filling in the gaps. He could ask Mr. Fancher to attend a future meeting and/or clarify in writing the public record disclosure requirements specific to the Planning Commission. Several members suggested the written guidance should also be part of the orientation materials provided to Planning Commissioners.

6. **Adjournment**

There being no further business, Vice-Chair Cole adjourned the meeting at 10:04 p.m.

Liz Kohlenberg, Chair
Tom Cole, Vice Chair

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services
*Amended January 4, 2006 by Cami Petersen.*
<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>
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<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>
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<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>
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<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>
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<tr>
<td>2/16/05</td>
<td>Revised Draft Work Plan for Advance Planning</td>
<td>Commissioner Kohlenberg</td>
<td>J Sonnen</td>
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<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>
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<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>
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<tr>
<td>5/25/05</td>
<td>The Commission, after review of the Definitions and Administrative sections of the CAO</td>
<td>TCPC</td>
<td>J Sonnen</td>
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requested numerous changes, deletions, and additions to various provisions within the sections

5/25/05 Commissioners agreed to review the tentative calendar of future meetings and forward suggestions to staff

TCPC J Sonnen

6/15/05 Staff is to provide the following information at the Commission’s next briefing.
• 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

TCPC Staff

6/15/05 Staff will present examples of how the test has been applied, and rework the language to clarify how it is measured at the next briefing on Mineral Lands

TCPC Staff

6/15/05 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

Staff TCPC

6/15/05 The Planning Commission agreed to send the final draft to the task force for review

TCPC Staff

6/15/05 The Planning Commission requested alternative language to pick from should be shown in a “box” in the draft document.

TCPC Staff

6/22/05 A request was made to identify “certain geologists and geologic engineers” who refuse to work in Edgewood because they claimed their liability insurance carrier would not allow them to issue a letter or report without the hold harmless clause.

Commissioner Lyman N. Pritchett

6/22/05 Third Party Review report should include

Chair Kohlenberg N. Pritchett
questions that should be addressed, such as how much additional stormwater will be introduced into the slopes by the proposed development. Chair Kohlenberg agreed to work with staff and draft some questions to include as part of the report requirements.

6/22/05 Schedule a tour of an extraction operation to attain a better visual sense of a working mineral extraction operation. 
Commissioner Ottavelli J. Hayes

6/22/05 Obtain a more definitive answer about whether gravel resources are used from the mine in recycling operations.
Commission J. Hayes

6/22/05 Prepare a countywide map to include all draft layers from the critical areas regulations in addition to other criteria to assist the Commission in its discussion.
J. Hayes J. Hayes

6/22/05 Verify first August meeting date by e-mail to Commissioners.
Commission J. Sonnen

6/22/05 The Planning Commission agreed not to send the final draft of Mineral Lands to the task force for review at this time.
TCPC Staff

January 05 Commissioner Cole referred to the Request for Information Summary Sheet attached to the minutes and noted his request on January 26, 2005 about concerns for citizen and how they can find out if there are impediments as to what can be done with a piece of property has not been addressed by staff nor has staff been identified who will address the question.
Commissioner Cole J. Sonnen

7/13/05 Discussion of an appropriate buffer width necessary to protect adjacent properties from fire management practices on prairies and air quality followed. Staff will investigate whether it’s unlawful to burn, and if there are specific things that could be taken into consideration to help establish an appropriate distance. Commissioners suggested staff could confer
with the Fire District or U.S. Forest Service.

7/13/05  The Commission requested staff investigate how to allow fish hatcheries without impacting the natural resources the County is attempting to protect.

Commission J. Sonnen

8/31/05  Mr. Sonnen said there were many comments from the public about justifiability of the document (CAO). Staff has received several suggestions about how to respond to the complaints. He noted each chapter includes a summary that pertains to existing uses that some individuals found helpful. Staff could adapt the information and post it on the County’s website.

Staff J. Sonnen

8/31/05  Mr. Sonnen offered a suggestion of a test with staff and with frequent users of the CAO document by providing an explanation of how the document is organized and then test the response to see if the person can work through and understand the document. The exercise will be in a form of a survey to seek some objectivity about the readability of the document.

Staff J. Sonnen

8/31/05  Commissioner Strub requested inclusion of a definition list of all acronyms used in the document for easy reference by the reader. Mr. Sonnen acknowledged the request and suggested including a glossary of acronyms.

Commissioner Strub J. Sonnen

8/31/05  Staff recommended that the County’s legal counsel review the decision to ascertain whether the HEAL decision coincides with the recent decision as well as issue an interpretation of the decision.

Staff J. Sonnen

8/31/05  Commissioner Lyman suggested the Commission should schedule legal counsel to attend a meeting to respond to the Commissioner’s questions. Responding by e-mail often raises additional questions. The

Commissioner Lyman J. Sonnen
Commission needs legal counsel support. Mr. Sonnen recommended the Commission pose questions in advance to enable adequate preparation time by legal staff to develop a response.

8/31/05 Commissioner Lyman asked that the Commissioner’s contact list also include staff information as well. She asked that staff consider a formal method for notifying Planning Commissioners of the County Board of Commissioners worksession dates involving issues the Planning Commission has referred to the Board. Mr. Sonnen said he will review the Board’s procedures for notification.

9/21/05 Staff and Commissioners discussed scheduling one-half or longer day sessions to address critical areas rather than scheduling additional evening meetings. Chair Kohlenberg suggested staff follow up with members via e-mail on which Saturdays and/or evenings in October would work best.

9/21/05 Commissioners asked Commissioner Lyman to draft a letter to the County Board of Commissioners requesting the Board intercede on behalf of the Planning Commission to receive additional legal support.

10/12/05 Staff asked members to consider an option of forming task forces to focus on key topics such as agriculture, mineral extractions, etc. The task force could consist of two or three Planning Commissioners and those with technical expertise to help address issues raised by the public. Additionally, consider examining how other jurisdictions have addressed similar issues. The task forces could make recommendations to the Planning Commission.

10/12/05 Commissioner Lyman said Commissioner Oberquell has requested a letter from
Planning Commission addressing the names of the invited participants within the CAO process so she can provide answers when she receives queries. Commissioner Lyman offered to work with staff and draft a letter to Commissioner Oberquell. The draft will be circulated to the Planning Commission before it is forwarded to Commissioner Oberquell.

<table>
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<tr>
<th>Date</th>
<th>Action</th>
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<tbody>
<tr>
<td>10/19/05</td>
<td>Mr. Clark requested the Planning Commission defer its recommendation of the Grand Mound WSP amendment until it has the findings from the review committee. He anticipates a staff recommendation for the Planning Commission’s November 2, 2005 meeting.</td>
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<tr>
<td>10/19/05</td>
<td>Mr. Sonnen offered to draft the Planning Commission letter to the BOCC. The letter will be presented to the Planning Commission for review.</td>
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<tr>
<td>10/19/05</td>
<td>Request for legal counsel to attend a future meeting and/or clarify in writing the public record disclosure requirements specific to the Planning Commission. Also provide written guidance as part of the orientation materials provided to Planning Commissioners.</td>
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