1. **7:00 PM CALL TO ORDER**
Chair Roper called the June 6, 2007 regular meeting of the Thurston County Planning Commission to order at 7:00 p.m. Commissioners present provided self-introductions.

**Attendance:** Chair Joyce Roper, Commissioners Liz Kohlenberg, Chris Lane, Scott Nelson, Kathleen O’Connor, and Rhenda Strub

**Excused:** Commissioners Tom Cole and Craig Ottavelli

**Staff:** John Sonnen, Cinde Donoghue, and Recording Secretary Cheri Lindgren

**7:00 PM APPROVAL OF AGENDA**

**MOTION:** Commissioner Lane moved to approve the agenda as presented. Commissioner Kohlenberg seconded. Motion carried.

2. **7:01 PM PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)**
There were no public communications.

3. **7:01 PM APPROVAL OF MINUTES**

**MOTION:** Commissioner Kohlenberg moved to approve the May 16, 2007 minutes and accept the audio as the official recording. Commissioner Lane seconded. Motion carried.

Chair Roper circulated a thank you card she received from Nancy Pritchett.

*Commissioner Strub arrived at 7:04 p.m.*

4. **7:04 PM W: CRITICAL AREAS – RESPONSES TO MINING RELATED PUBLIC COMMENTS**

**Staff:** Cinde Donoghue

**ITEM:**

**DISCUSSION:** Ms. Donoghue reviewed the history of the Mineral Lands Task Force and how the task force work relates to the Critical Areas Ordinance (CAO), general overarching issues, and updated Best Available Science (BAS). The Commission deferred the task force recommendations and addressing mineral lands as a single issue at a previous meeting. Public comments pertaining to the Critical Aquifer Recharge Areas, Wetlands, and Important Habitats and Species chapters indicated there is inconsistent treatment of mining activities.
Chair Roper asked staff to provide a copy of the task force recommendations to Commissioner O’Connor.

Ms. Donoghue outlined how mining is treated within the CAO:

- Critical Aquifer Recharge Areas is the only chapter that separates mining into two types - coal and mineral and sand and gravel. Asphalt plants are a separate use.
- Mineral extraction (sand and gravel and coal and mineral) is lumped together in the Important Habitats and Species chapter. Asphalt plants are addressed under intensive uses.
- Mineral extraction and asphalt plants are considered intensive uses in the Wetlands chapter.

Many of the public comments addressed the different risk levels between sand and gravel mining compared to mining for coal and precious minerals. Most of the concerns are related to leaching and impacts specific to coal and mineral mining. The BAS is based on sand and gravel impacts from the Department of Ecology (DOE) critical aquifer recharge areas guidance document. The document was updated in 2005. The update does not list sand and gravel mining as an activity that should be prohibited or considered high risk for critical aquifer recharge areas.

Chair Roper requested a copy of DOE’s 2005 updated guidance document.

Staff and Commissioners reviewed the Restricted Uses and Activities table on page 5-9 within the Critical Aquifer Recharge Areas chapter. Ms. Donoghue explained DOE has similar concerns about leaching related to coal and mineral mining, and recognizes there are fewer risks associated with gravel and sand mining. The mining activities are treated similarly within the Critical Aquifer Recharge Areas and Important Habitats and Species chapters. However, mining extraction is not mentioned in the Wetlands chapter.

Chair Roper and Commissioner Kohlenberg said if a use is not listed in a table, it is not allowed. Chair Roper added that the Administrative chapter should include language that states a use is not permitted if not specifically listed in a table.

Ms. Donoghue said the confusion lies within section GG on page 9-50 of the Wetlands chapter. The “Comment” paragraph states intensive uses may include uses such as mineral extraction and asphalt plants.

Commissioners referred to Table 9-2 on page 9-15 that speaks to intensive uses in a generic manner and doesn’t specify mineral extraction and asphalt plants. Chair Roper said the “Comment” paragraph suggests intensive activities can locate within Category I and II wetlands subject to steps 1-4. Mining is allowed in all four categories of wetlands. She said she is unsure whether that is the case for wetlands.

Discussion ensued about the reasons and intent for not allowing mining activities in the
critical area or associated buffer. Mr. Sonnen said the language should be refined to say something similar to allowing intensive uses adjacent to but not within the critical area buffer. Chair Roper noted the 9/27/04 draft document states specifically that mineral extraction is not allowed.

7:37 PM Mr. Sonnen said addressing intensive uses is a broader discussion beyond the mining issue. Staff could draft language to clarify that intensive uses are not permitted within the wetland or its buffer.

Discussion followed about whether there is a need to separate mineral extraction into the two different types within the Wetlands chapter, BAS specific for wetlands, wetland banking, and that there are different impacts between the two types of mining extraction. Commissioners discussed task force recommendations for designating mineral lands, an option to require an applicant to provide a landscape level analysis concerning wetland functions for wetlands that exceed 1,000 square feet in size, and applicant’s paying the associated costs for third party review of the analysis.

Chair Roper expressed interest in identifying other allowed intensive uses that are just as harmful to wetlands as mining activities. Commissioners asked staff to provide copies of DOE’s landscaping characterization BAS document.

Mr. Sonnen reviewed a series of display maps showing the combined relationships between gravel resource areas, aquifer recharge areas, public spaces, wetlands based on the current CAO, fish bearing streams and riparian buffers, and habitat.

7:55 PM Chair Roper recessed the meeting from 7:55 p.m. to 7:58 p.m. to examine the display maps.

Conversation followed about whether costs for required studies are prohibitive.

Sandy Mackie referred to the Mount Vernon CAO that uses the landscape analysis approach rather than a buffer strategy. For major gravel pits the requirement is feasible and practical.

Discussion ensued about the time needed to explore the landscape analysis approach. Chair Roper said she’d like to review the Mount Vernon model and obtain the DOE documentation prior to considering a change in strategy. Mr. Sonnen said staff could identify concerns, provide clarity, and bring the wetlands chapter back to the Commission in six weeks. Staff will follow up with DOE about the landscape level analysis guidance, and follow up with Mount Vernon about its CAO.

A member of the audience said the Commission discussed the landscape analysis strategy at previous meetings and decided not to look at the landscape analysis approach.

Related to the Important Habitats and Species chapter, Ms. Donoghue reported steelhead is now listed, which will affect additional streams. She referred to Table 8-3, page 8-21,
and noted mineral extraction is listed under the Other Uses category. Section II beginning on page 8-55 also identifies intensive uses could include mineral extraction and asphalt plants. Mr. Sonnen said staff will bring updated language to the Commission at a later date.

Discussion followed about whether to allow sand and gravel mining within the riparian habitat, streams, lakes, ponds, and buffers, marine habitat areas and buffers, important species and habitats, and protecting critical areas and water quality.

In response to the public comments, the Commission agreed there is no reason to separate sand and gravel from other types of mineral extraction within Table 8-3. The uses are separated when relevant. There is a deliberate reason that the treatment of mining activities within the chapters is not the same.

Members referred to comment #50 on page 6 of the Overarching Critical Area Issues matrix. Ms. Donoghue reported the Board of County Commissioners (BoCC) directed the Mineral Lands Task Force to reconvene to discuss adopting a policy to prohibit asphalt recycling in gravel mines. The first facilitated task force meeting is scheduled for the end of August.

5. **8:21 PM W: CRITICAL AREAS – ADMINISTRATIVE PROCEDURES**  
   (Staff: John Sonnen)  
   **ITEM:**

   **DISCUSSION:** Mr. Sonnen distributed copies of the Commission’s 6/15/06 recommendation for the Reasonable Use Exception that was forwarded to the BoCC. Legal staff recommends adding text at the end of item #6 on page 3 to state, “documented as being present on the property.” Discussion ensued about using “documented as areas of primary association” which is consistent with other language in the draft CAO and working with the Washington Department of Fish and Wildlife (WDFW) about creating a map that identifies areas where threatened and endangered species have a primary association. Mr. Sonnen suggesting using “documented as areas of primary association” pending the potential to refer to a map that identifies the areas.

   Commissioners discussed local species of concern and including the reference within the Wildlife paragraph. Chair Roper noted the Western Meadowlark is listed on page 8-67 of the Important Habitat and Species chapter. Chair Roper noted that the Blue Heron is not listed, and thought the subcommittee had included the Blue Heron. She asked staff to verify whether it is on the state listing, and if not add it to the local listing.. The Douglas Squirrel should be removed from page 8-69.

   Commissioners discussed how including local species of concern could impact a private property owner’s right to a reasonable use exception.

   Mr. Sonnen reported staff will follow up with WDFW on refining a map, adding the Blue Heron to the local list, and review with biologists whether there are other endangered
species of local concern in specific areas of the County, for which development in those areas under a reasonable use permit could result in a critical loss of species.

8:37 PM Mr. Sonnen distributed copies of Section 17.15.470, Enforcement, and reviewed legal counsel’s recommended text changes. Following discussion, the Commission agreed to reword paragraph #2, Restoration order, to read, “The compliance officer may issue a restoration order requiring complete or partial restoration, rehabilitation, or replacement of the damage to the critical area, associated buffer or management zone at the violator’s expense; to return the affected area, to the extent possible, to its pre-violation condition and/or function,” and to strike the last sentence.

Item A at the bottom of page 4-12 was amended to read in part, “If warranted… dependent fish or wildlife, the county… restoration plan and schedule prior to initiation…”

Commissioners added, “based on similar sites,” to the end of item b ii on page 4-12 and replaced “may” with “shall” within the first line of B at the bottom of page 4-12.

6. 8:47 PM CALENDAR (TENTATIVE) AND ATTENDANCE

- June 20, 2007: Cancelled
- June 27, 2007: W: Critical Areas
- July 4, 2007: Cancelled - Holiday
- July 11, 2007: Tentative (Commissioners O’Connor may not be able to attend Lane unable to attend)
- July 18, 2007:

Chair Roper asked whether staff plans to present language about wastewater treatment at the June 20, 2007 meeting. Discussion ensued about revising the schedule and rescheduling the June 20, 2007 meeting to June 27, 2007 and rescheduling the July 4, 2007 meeting to July 11, 2007. Staff will poll members to determine whether a quorum is available for a July 11, 2007.

7. 8:50 PM STAFF UPDATES

Mr. Sonnen briefed the Commission about the BoCC’s last workshop and decisions concerning agriculture designation criteria, designating Limited Areas of More Intensive Rural Development (LAMIRDs), and scheduling a public hearing for July 2, 2007 at 6:00 p.m. at the Worthington Center to consider both of the Commission’s alternative rural rezoning proposals and Don Krupp’s proposal using the current CAO. An alternative of interest is the one that only excludes specific critical areas from the density calculation. He reviewed a lot analysis for the three options. The Black Hills Audubon Society is enthusiastic about Mr. Krupp’s approach coupled with one of the Planning Commission’s alternatives. Mr. Sonnen said he would forward copies to the Commission. The last BoCC briefing will review the proposed codes and Mr. Krupp’s proposal in further detail on June 25, 2007 at 3:00 p.m.
Mr. Sonnen reported the code docket was presented to the BoCC on March 7, 2007. The BoCC will finalize the docket on June 13, 2007 at 2:30 p.m. The special use section is included on the docket.

Discussion followed about whether the high number of recent annexations is in response to the urban growth areas (UGAs) resizing project, Buildable Lands analysis, or a Countywide or individual jurisdiction market factor analysis approach.

8. 9:08 PM ADJOURNMENT
With no further business, Chair Roper adjourned the meeting at 9:08 p.m.

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Joyce Roper, Chair

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services