1. **6:30 PM  CALL TO ORDER**

Chair Lane called the February 18, 2009 regular meeting of the Thurston County Planning Commission to order at 6:30 p.m. Commissioners provided self-introductions.

**Attendance:** Chair Chris Lane, Commissioners Tom Cole, Liz Kohlenberg, Scott Nelson, Liz Myers, Kathleen O’Connor, Karen Rogers, William Jackson.

**Staff:** Scott Clark, Olivia Terwilleger, and Recording Secretary Cami Petersen.

**6:30 PM  APPROVAL OF AGENDA**

**MOTION:** Commissioner O’Connor moved to approve the agenda. Commissioner Meyer seconded.

The following change was made to the agenda:

- Remove Critical Areas Ordinance – Mining. This will be held at a later time.

**Motion carried as amended.**

2. **6:32 PM  PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)**

Mr. Clark stated that there has been confusion amongst the public that they were unable to speak to the Planning Commission (Commission) on topics that were being discussed on the agenda. Mr. Clark made sure that the public understood that at this portion of the meeting the public may address the Commission on any topic of which a public hearing has not been held before the Commission.

*Sue Danver, Foothills Lane, Olympia*

Ms. Danver addressed the Commission concerning the mineral lands designation matter. Ms. Danver stated that she attended the previous Commission meeting where Dave Norman of DNR provided a presentation. It was said at that time that there are no funds to create a comprehensive map of mineral lands in Thurston County. Ms. Danver stated that she wanted to emphasize how important that map is. She has worked with mineral lands before and once they are designated, that land is most likely locked into that pattern. Ms. Danver stated that her concern is there should be some kind of cap on how much land is designated for mineral lands. To establish this cap you need criteria and having a map to illustrate the criteria is very important. She would hope that somehow the County could come up with the funding for this, but if not, make sure that the County has a process of what criteria the Commissioners should be considering, such as depth of gravel, depth of overburden, quality and type of gravel, years of remaining life of the gravel, gravel available in the County, a map showing where that gravel is, total acreage of the site, and review of the information by a qualified geologist.

Ms. Danver stated that she has worked with gravel companies and they feel that their gravel is the best. If mineral lands are opened and you have 100 applications, Ms. Danver asked the
Ms. Danver stated that King County has very little gravel, Pierce County is running out, leaving Thurston County having a huge abundance of high quality gravel. Ms. Danver stated that she is concerned that Thurston County will consider designating 200 years of gravel, when it is unclear what could occur in a 20 year time frame. Ms. Danver stated her concern about what the planning horizon is to be here when the GMA recognizes and recommends 20 years and the DNR recommends 50 years. Ms. Danver believes that when they started looking at this in 2003 the County already had 20 years that had not yet been utilized. Ms. Danver asked the Commission to look at that to see if we already have 50 years worth designated in Thurston County.

Ms. Danver asked the Commission to make sure there is a process for designating mineral lands because they affect other types of land use surrounding those designations. The Thurston County code states that you classify first, then you designate and then you permit. Ms. Danver is concerned that this proposal is asking for designation before classification.

Ms. Danver asked that an alternative be looked at for raising the money needed to map the county for mineral lands. She suggested that all miners or some other non profit organization donate to cover a portion of the cost.
Mr. Clark stated that to research where this began it would be wise to look at the Commission’s minutes from 2008 and listen to the audio of the meetings where this was discussed.

Commissioner Rogers asked Mr. Zahn what he believes is a reasonable percentage of trees that he should be allowed to cut on his property in a single year. Mr. Zahn explained that he has mainly taken dead trees out of the area for firewood, has used cedar trees for fence posts and planking around the farm. He has 22-25 acres of timber and removes approximately 5% of that in a year.

The Commission stated that they will do some research on the background of this ordinance change and will get back to Mr. Zahn.

Ron Nelson, Asphalt Advisory Task Force

Mr. Nelson stated that he was a part of the Asphalt Advisory Task Force and wanted to say to the Commission that the task force did a lot of hard work on the proposal and would ask that the Commission accept the recommendation of the Task Force. Mr. Nelson stated that he has never seen a final report on the recommendation, but will assume that everything that was said is in the draft recommendation. If the Commission has any concerns Mr. Nelson stated that he encourages the Commission to ask the Task Force questions.

Mr. Clark stated that currently the comment period for the Asphalt Task Force has been extended for an additional five days to allow for additional responses on the draft recommendation. Both the Mineral Lands and Asphalt Advisory Task Force members will then attend a meeting with the Commission to answer questions concerning the recommendations. Mr. Clark will attempt to have adequate representation of both task force members at that meeting.

James Esig, representative from Wilder Construction Grant NW, operating the asphalt plant on 113 Avenue, south of Tumwater

Mr. Esig stated that he is here to talk about the Asphalt Advisory Task Force recommendations and also the language that is being put into the ordinances that will be before the BOCC. Mr. Esig stated that he is concerned that many of the recommendations have been put in the interim ordinances without the Commission’s review or input. Mr. Esig is concerned that in some areas the minority recommendations were included and even given more weight than the majority recommendations. Mr. Esig understands that there is an ongoing attempt to update the Mineral Lands Ordinance, but to present an ordinance that is far stricter than the pre-moratorium ordinance and does not reflect the recommendations of the Asphalt Task Force majority does not seem like a productive next step.

In addition, Mr. Esig pointed out that there will be unintended environmental impacts of this draft ordinance if all of these recommendations are included. The ordinance as it is written requires that an asphalt plant be located within one mile of the gravel mine. Mr. Esig stated that this is like requiring a log mill to pack up and be placed where the timber is being harvested. Mr. Esig believes that they should not have to go straight to the raw material based on the concern of truck traffic. Mr. Esig asked what the basis is for requiring the asphalt plant be located within a one mile radius? Would being located one and a half miles away somehow not work and why?

Mr. Esig stated that the issue of truck traffic will be addressed and mitigated as needed through the SEPA and permit process. Proposals at the permitting stage are reviewed to
address impacts, and measures are taken during that time to mitigate for a variety of projects, beyond just asphalt plants. Processes are designed to create a standard pathway for a variety of development projects. Proposals should be analyzed on a site by site basis, capturing all characteristics of an individual project. More specifically, the SEPA checklist requires the applicant to evaluate the impacts and can even require a traffic study which would require the applicant to come up with mitigation and traffic impact fees. Mr. Esig stated that with this there is already a mechanism in place to mitigate traffic impacts.

Mr. Esig stated that they believe the interim ordinance should mirror the pre-moratorium ordinance since the old ordinance has been through a full public review process. They are greatly concerned that a very strict interim ordinance has been proposed to lift the moratorium. The interim ordinance does not appear to reflect the great deal of effort and thought put forth by Thurston County and the members of the Task Force. Mr. Esig stated that they consequently oppose this interim ordinance proposal which may affect long term land use decisions that may not reflect our long term land use goals. In addition, the GMA requires the designation of natural resource lands to occur early in the process. Mr. Esig stated that the Task Force recommendation has just created a list of rules to say where a plant cannot go, instead of designating a place where this type of operation could happen. In applying these rules to a map, you must ask the question “where can we put a plant or surface mining operation?”

Commission Cole asked when the BOCC will hold the public hearing on this ordinance. Mr. Clark stated that this will be held on February 24, 2009. Mr. Clark stated that the Commission can make a recommendation to the BOCC on this interim ordinance but it is not required at this stage. The Commission will be making a decision during 2009 concerning the designation of mineral lands of long term significance.

Mr. Esig stated that he is concerned that if the interim ordinance is adopted it will then be meshed with the final ordinance.

A discussion ensued about the upcoming interim ordinance and Commission review of this subject over the course of 2009. Commissioner Cole expressed concern that he would like to be able to ask questions of the Task Force in order to make an informed recommendation on this proposal. Mr. Clark stated that he will try to have members of the Task Force at the next Commission meeting.

Mark Hancock, Alternate member of both task forces, La Pianta LLC
Mr. Hancock provided a comment letter to the Commission dated February 18, 2009 from Mark A. Segale, Vice President, La Pianta LLC. Mr. Hancock stated that he will just highlight the items contained in the comment letter and the Commission can read this in detail at a later time.

Mr. Hancock would like to strongly encourage the Commission to have the Task Forces come and meet with them. Mr. Hancock is concerned that the asphalt draft recommendation before them is much more stringent and not reflective of what the Task Force agreed upon. There are a number of items included in the interim ordinance that were either not discussed or were thrown out of the Task Force.

Mr. Hancock stated that there are some items that he believes the Commission should consider and listed the following:
• Mining is a temporary use of the land, which is seriously regulated by DNR by reclamation plans and bonding.

• Gravel is an essential component of our lives, both in term of the public projects and the County roads and public buildings and private homes. If the process becomes too complicated it will be the tax payers and home buyers who will be paying the costs, not the developers.

• There is room in Thurston County for gravel mining as well as environmental protections. Mr. Hancock stated that the tricky part the Commission will have is trying to balance those. The task force spent many, many weekends trying to find that middle ground.

• Mining involves a two step process – designation and special use permit. Mr. Hancock strongly feels that the special use process is where the details of the impacts and effects on land should occur, and that it is not the state’s intent with GMA for designation to become a complicated and expensive process.

• Any additional regulations and limitations should be carefully thought out and the Commission should ask questions before adoption to make sure that they are backed up by science or real impacts.

• Finally, in the Asphalt Task Force they talked about the need for asphalt plants in Thurston County, and since asphalt has to be near where it is used, there are only two or three plants in the county and there is not a heavy demand for any more because they pretty much serve the economy. While it is important to discuss where they would go, there will not be a lot of asphalt plants popping up all over the county.

Mr. Hancock thanked the Commission for the opportunity to talk with them and he hopes this information is helpful.

3. **705 PM APPROVAL OF MINUTES**

   **MOTION:** Commissioner O'Connor moved to approve the January 21, 2009 minutes. Commissioner Nelson seconded. Motion carried.

The following corrections were made to the January 21, 2009 minutes:

• Commission Cole explained that he requested a paragraph be added to reflect his concerns about County Sheriff and Fire services for the Grand Mound project. A copy of the revised minutes were provided to the Commission and the Commission agreed to the addition of the paragraph.

• In section 9, change the date from January 4, 2009 to February 4, 2009.

• In section 6, page 3, third paragraph, third sentence, insert the word “for” between “mapping” and “most.”

• Change the reference of Mr. Nelson to Mr. Norman on page 3, 4th paragraph, second sentence.

• Commission O’Connor asked if there is any follow up on page 2, 6th paragraph, whether the final plan is available for the Commission. Mr. Clark stated that he has been given the final plan via an internet link through Thurston County Regional
Planning, and because of the size of the document it will be provided to the Commission members electronically.

**Motion carried as amended.**

4. **7:08 PM INTRODUCTION OF NEW MEMBERS**
   Newly appointed Commissioners Karen Rogers and William Jackson were introduced to the Planning Commission.

   Mr. Jackson provided an overview of his background, stating that he is a retired banker from New Jersey who moved to this area three years ago. Mr. Jackson has been involved in planning boards and a variety of local groups.

   Ms. Rogers provided an overview of her background, stating that she was formerly employed with the Department of Ecology and has worked for 17 years in environmental issues. Ms. Rogers has a Masters degree in wetland ecology, has worked in Florida and Washington, and currently works for the Washington State Liquor Control Board. Ms. Rogers chose to apply to sit on the Commission to continue to be involved in the environment.

   The Commission welcomed Mr. Jackson and Ms. Rogers.

5. **7:13 PM OFFICER ELECTIONS**
   *Staff: Scott Clark*

   After a short discussion, the Commission agreed that they would like to form a nominating committee as has been done in the past. Commissioners Kohlenberg and Cole volunteered to be on the committee. The committee members will contact the Commissioners to poll for nominations. The elections for the 2009 Chair and Vice Chair will be held at the next regular meeting.

6. **7:16 PM OPEN SPACE PERMIT FEE**
   *Commissioners Chris Lane and Scott Nelson*

   Commissioner Nelson stated that three years ago the BOCC decided that the Development Services Department will need to operate at 100 percent cost recovery. The previous cost for an Open Space application for tax benefit was approximately just over $200. After the implementation of cost recovery fees, the application cost for Open Space rose to approximately $2300. At that time, the Planning Commission and the Ag Committee sent letters to the BOCC concerning the high cost and the need for preserving open space in a cost effective manner. The BOCC then lowered the fee to $1200. Again, the cost was re-evaluated and the fee for an Open Space application increased to $1980. Mr. Nelson stated that he recently met with Commissioner Romero about this increase.

   Mr. Nelson asked the Commission to consider once again forwarding a letter of concern to the BOCC about the increased fee. A discussion ensued.

   The Commission agreed that a letter to the BOCC should include data to show the affects of the cost on the property owner, and what the benefit and savings are for the property owner to apply for the Open Space designation. The information should show how the increased fee discourages the property owner from benefiting by choosing the Open Space tax benefit.
Staff will draft a letter for the Commission’s review by the next regular meeting.

7. **7:29 PM MINERAL LANDS**  
   **Staff: Olivia Terwilleger**

Ms. Terwilleger referred to the Draft Mineral Resource Extraction Interim Ordinance and Draft Asphalt Plant Special Use Permit Interim Ordinance on tabs 5 and 6 in the staff report packet provided to the Commission. Both ordinances have been drafted using the Mineral Lands and Asphalt Plant Task Force recommendations and a conservative approach was taken. The draft interim ordinances will be taken to the BOCC next week and any comments or recommendations that the Commission would like to make can be given to the BOCC at that time. The Commission will work this year on the final ordinance.

Ms. Terwilleger explained that the draft Asphalt Plant interim ordinance is not finalized yet because she is still waiting for comment from the Task Force. Commissioner Myers asked if the Nisqually Valley Sub Area Plan had been considered in preparing the ordinances. Ms. Terwilleger explained that this was a very controversial topic and that the Task Force minority wanted the sub area plan taken into account when creating the ordinances. Mr. Clark stated that the Commission will be receiving additional information concerning this as well as some of the cases that have been before the Growth Management Board in their next meeting packets. A discussion ensued.

Mr. Clark explained that the BOCC will have three options: 1) adopt the proposed interim ordinances, 2) keep the moratorium in place for another 6 months, or 3) let the moratorium expire.

The Commission discussed the extreme limitations in the draft ordinances and again expressed its concern that they do not have any members of the Task Forces in attendance to answer questions. A concern was also expressed that the minority recommendations appear to have been given the same weight in the draft ordinances.

A discussion ensued.

Commissioner Meyer again expressed concern that the BOCC will not take into consideration the Nisqually Subarea Plan. Mr. Clark explained that the subarea plan is on the 2009 docket, but is unsure if the BOCC will select this item for the final docket.

The Commission agreed that they do not have enough information to make a motion on the draft ordinances at this time, but would recommend that the Board not chose option 3, and that the moratorium or interim ordinance be in place until the Commission reviews and makes a final recommendation on the mineral lands ordinance this year.

**8:13 PM** Ms. Terwilleger provided a Power Point presentation on the Mineral Lands Task Force recommendations. The presentation provided the Commission with the questions that were before the Task Force and the majority and minority responses. The Commission asked questions throughout the presentation. Mr. Clark stated that he will invite Dave Norman from DNR to a Commission meeting to discuss the questions that were raised on reclamation of gravel mines.
After the presentation the Commission agreed to form a subcommittee to look at mining activities in the County and report back to the Commission with the information they have found and photos that they have taken.

**MOTION:** Commissioner O'Connor moved to form a gravel mine subcommittee. Commissioner Kohlenberg seconded. Motion carried.

Commissioners Kohlenberg, Cole, Nelson and Myers volunteered to participate in the subcommittee.

8. **9:02 PM  2009 DOCKET**
   **Staff:** Scott Clark

Mr. Clark stated that the 2009 docket will be presented to the BOCC on March 11, 2009. The docket is lengthy and the BOCC will chose which items are of a higher priority for the Commission’s 2009 work plan.

9. **9:04 PM  STAFF UPDATES**
   **Staff:** Scott Clark

   - Shorelines – Mr. Clark stated that Molly Methias-Levitt has been hired as temporary staff to assist with GIS mapping on the shorelines project. The money for this project will need to be spent by June 2009 or it will revert back to the state. Staff will attempt to do as much work on shorelines as possible before that deadline.
   - Maytown Rezoning will be placed on the proposed 2009 preliminary docket and a public hearing will be held to discuss extending moratorium in that area.
   - The County reorganization will go into affect March 1, 2009. Mr. Clark will now be the director of External Strategic Planning department and will report directly to Don Krupp.
   - Money – Mr. Clark explained the current status of the County budget and stated that the funding for County government is at a severe crisis at the moment. This will impact how government will do business in the near future.

10. **9:11 PM  CALENDAR AND ATTENDANCE**

March 4, 2009 – Commissioner Cole will be unable to attend.

11. **9:13 PM  ADJOURN**
    With there being no further business, Chair Lane adjourned the meeting at 9:13 p.m.

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    Chris Lane, Chair

Prepared by Cami Petersen, Recording Secretary
Revised 3-24-09

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