1. 6:30 PM CALL TO ORDER
   Chair Lane called the November 18, 2009 meeting of the Thurston County Planning
   Commission to order at 6:30 p.m. Commissioners provided self-introductions.
   Attendance: Chair Chris Lane, Commissioners Scott Nelson, Liz Kohlenberg, Kathleen
   O’Connor, William Jackson, Tom Cole, Christopher Earle
   Absent: Commissioner Karen Rogers
   Staff: Olivia Terwilleger, Scott Clark, Jeff Fancher, Deputy Prosecuting Attorney, and Cami
   Petersen

2. 6:30 PM APPROVAL OF AGENDA
   MOTION: Commissioner Cole moved to approve the agenda. Commissioner
   Kohlenberg seconded.
   Motion carried.

3. 6:31 PM PUBLIC COMMUNICATIONS (Not associated with topics for which public
   hearings have been held.)
   There was no public communication.

4. 6:31 PM APPROVAL OF MINUTES
   Commissioner Nelson moved to approve the November 4, 2009 minutes and accept the
   audio as the official record. Commissioner Cole seconded. Motion carried.
   The following clerical correction was noted:
   Page 4, line 21 – remove the word “should.”

4. 6:36 PM CLUSTER SUBDIVISION
   Staff: Jeff Fancher, Deputy Prosecuting Attorney
   Mr. Fancher provided the Planning Commission (Commission) with a brief background of
   the 2004 Cluster Subdivision interim regulations which were adopted to limit cluster
   developments permitted in the rural areas in order to meet the requirements of the Growth
   Management Act (GMA). Mr. Fancher explained that the renewal of these interim
   regulations has occurred twelve times over the last five years because the County has been
   unable to complete the final regulations due to work load and budgetary constraints.
   Mr. Fancher explained that adopting the interim regulations will allow the County to be in
   compliance with GMA and provide additional time for the County to work on new cluster
   development provisions. The County will reevaluate these provisions in the future, but does
   not have a clear timeline for when that will occur.
Mr. Fancher provided two options to the Commission concerning the interim regulations:

Option 1: adopt the interim regulations.
Option 2: do not adopt and continue with interim ordinance for an indefinite time.

Mr. Fancher stated that the Planning Department recommends Option 1.

The Commission asked questions of Mr. Fancher concerning language in the interim ordinance, and rural character and siting of cluster subdivisions.

Mr. Clark explained that a public hearing will be scheduled and held, followed by a briefing with the Commission for a motion of recommendation to the Board of County Commissioners (BOCC).

Commissioner O’Connor requested that the PRD and PRRD sections containing the changes be included in the public hearing information.

5. **6:49 PM STAFF UPDATES**

   **Staff: Scott Clark**

Mr. Clark provided the following staff updates:

- Climate Change Block Grant Associate Planner Position – Mr. Clark explained that 30 applications were received, 13 applicants were qualified, and 6 applicants were extremely qualified and will be interviewed. The interview will consist of two panels and a presentation to the BOCC Assistants. One of the interview panels will consist of a citizen group, and two Commissioners will be on that panel. It was agreed that Commissioner Nelson and Chair Lane will sit on that panel. Mr. Clark will announce the date of the interviews November 19, 2009.

- Transfer of Development Rights – Mr. Clark explained that a meeting was held on this topic with County Commissioner Romero and others. It was decided that a committee of local jurisdiction members and County departments to look at TDR in the County UGA’s. The County is seeking a federal grant to possibly staff this project.

- Watershed Characterization Grant – The County is seeking a second grant to study the Nisqually and Deschutes Rivers. The science from this research will be useful in planning policies and regulations. The grant awards will be announced in March 2010.

- Energy Efficiency Competitive Grant – The County is seeking this grant of which $75 million is available. This grant would be used to study and implement large projects such as upgrading County buildings and vehicles for energy efficiency.

- Website Email – An email account has been set up and posted on the County website to allow citizens to submit email comment to the Commission. Mr. Clark explained that comment emails received will be forwarded to the Commission. Mr. Clark reminded the Commission not to respond to the comments via email by replying to all.

6. **6:55 PM CALENDAR**

   December 2, 2009 – All Commissioners in attendance can attend.
   December 16, 2009 – Commissioner Kohlenberg and Cole cannot attend.
7. **7:00 PM PUBLIC HEARING: MINERAL LANDS**

*Staff: Olivia Terwilleger*

Chair Lane provided the audience with a brief outline of the purpose for the public hearing and the process which will be used. Chair Lane introduced Ms. Terwilleger for a brief overview of Mineral Lands.

Ms. Terwilleger provided a brief history of the Mineral Lands moratorium, the creation and work of the Mineral Lands Task Force (MLTF), and the draft ordinance that is before the Commission and the public for public hearing this evening. Ms. Terwilleger stated that three comment letters have been received prior to the public hearing, and an additional comment letter was received at tonight’s meeting. Ms. Terwilleger provided a Power Point presentation showing maps of the proposed mineral lands designation criteria, as was requested by the Commission at a previous briefing. The maps showed areas that would not be allowed to be designated for mineral lands that the following criteria breakdown:

- Urban Growth Areas
- Public Parks and Preserves
- Wellhead Protection Areas
- Agricultural Lands of Long Term Commercial Significance
- Historic and Cultural Preservation Sites
- FEMA 100-year Flood Zone
- Wetlands
- Priority Habitat & Species
- Significant Geologic Features (steep slopes)
- Critical Aquifer Recharge Areas
- Critical Areas
- All Designation Criteria (combined)

Ms. Terwilleger explained that by applying all of the criteria the amount of lands in the County that could be designated as mineral lands would be 41 thousand acres, approximately 8.9% of the County. A discussion ensued.

Commissioner O’Connor asked if staff has spoken to the Department of Natural Resources (DNR) for information concerning their recommended projections of gravel supply per person. Ms. Terwilleger stated that she was unable to find that information.

**7:10 PM** Chair Lane stated that a three minute time limit will apply for all public testimony. Chair Lane opened the public hearing at 7:10 p.m.

*James Essig, 1525 E. Marine View Drive, Everett*

My name is James Essig and I am here to talk about mineral lands designation in the County and I would like the Commission to remember what they just saw on the maps, and that a lot of the areas that are available are long term forestry. The intent of the GMA is to classify, designate, preserve and conserve the natural resource lands in Washington. To accomplish this we must designate mineral, agricultural, and forestland resources and protect them from incompatible uses. Here in Thurston County the agricultural lands and forest lands have been a priority while mineral lands have been a lesser priority for designation. So now the time has come to designate Mineral Lands of Long Term Commercial Significance in the
County and the potential areas that remain appear to be very minimal.

We need to consider the impact and long-term effects of the proposed number 9 minimum designation criteria which is the proposed ordinance, which states “no net loss in forest lands of long term commercial significance” and that these lands be reclaimed as forest land. We know that in Thurston County we have high ground water and that’s where a lot of the mineral resources occur in this county. A common practice is to mine into the water with drag lines and dredging material from the ground water. I want you to take into consideration that yeah we know there is high ground water so there may be five to ten feet of bank gravel, which is above the water, available in some of these areas, and that there could be 30-35 feet or more available below the water. If one of the only places we are left with to mine is long term forest lands, and they have to be reclaimed as forestry, in the end it’s not really plausible to grow trees in the water – what your left with.

Something to consider is there is 144,023 acres of Long-Term Forestry designated and there is only 343 acres of forest land and woodland zone in the County. Compare this to the current 1483 acres of designated mineral resource lands designated for sand and gravel resource. There needs to be a balance here. Everybody wants to conserve the land – agriculture, forest land, mineral – we’ve got to find a balance. We can’t just be moving these gravel mines away to take ten feet of bank-run and then move on to the next place, while reclaiming one to forest land and taking a bank-run at a new place. I think we should keep that in mind. Thank you.

Susan Markey, 7305 Kellogg Dr. N.E., Olympia
Good evening, my name is Susan Markey and I am a member of Black Hills Audubon Society and I am here tonight as a representative of that group. I was also a member of the Mineral Lands Task Force. You should have already received our written comments. We generally support your proposal and that you have incorporated most of the recommendations of the Mineral Lands Task Force, including the change of the designation process totally to the Comp Plan amendment process and providing setbacks and buffers to environmentally sensitive areas and some exclusions from those.

We have also, in our written comments, put forward some improvements to the proposal. These include things such as continuing the extension in the current Comp Plan of excluding prime farm lands of mineral designation, because although we do exclude the long term agriculture, there is other farm land in the County that is unique and should also be excluded from this.

We also propose that you provide exclusions for critical aquifers. There’s also some housekeeping items that include grouping all the criteria and bring it together in one area of the Comp Plan and the ordinance. And also assuring that all the criteria that are listed in the Comp Plan are also present in the code, because there are some in there right now that aren’t repeated in the code and they need to be.

I will wrap up and I hope that you will allow yourselves enough time to deliberate on the comments you receive tonight, not just from me, but from everybody that’s here. Thank you.

Dave Lewis, Mile Sand & Gravel, P.O. Box 130, Auburn
Good evening. I am Dave Lewis, Miles Sand and Gravel and Washington Association, used to be Washington Paver and Concrete Association. I’m here basically to say I think there is a
little misunderstanding here. I think you people are very well trying very hard to follow
GMA and to follow the requirements, unfortunately you have greatly fallen short because
you have given everything else important GMA priority over your gravel. You read what
you have written you are basically saying we do not want gravel mining in our County
because you have taken away every area where you could possibly mine gravel. Do you
know why you have aquifer recharge areas? Because it’s gravel. If there wasn’t gravel there
you wouldn’t have an aquifer recharge area. It’s been proven for many years that you can
mine these areas without affect. It’s being done all over. I really think you should reconsider
what you have written to follow the guidelines of GMA and give mineral resource lands the
same weight that you give everything else.

You, for some reason, believe you have twenty gravel sites, permitted areas, in Thurston
County. DNR cannot tell you how much gravels left. If you have enough, they can only
guess, because they do not have the information they really need to give the answers that you
guys need to determine what your supply is. GMA is saying twenty years. But that doesn’t
mean twenty years today and then bang, twenty years comes along and are you then going to
think about it again? You have to continually think about it every year.

Every county in Puget Sound uses about twelve and a half tons of gravel, per citizen, per
year. DNR, for some reason, uses ten and a half. But you’ve got to consider the future of
your County. Sand and Gravel is what drives your community. If you don’t have sand and
gravel you’re going to pay a premium to get it. 52% of sand and gravel used is for public
projects. Do you want the tax payers to pay the additional amount of money because for
some reason there are people who do not want surface mines? I will admit we have a bad
past and a bad history, but the industry has been working very hard to correct this. We can
be compatible with the surroundings. But the way you have written these regulations there’s
no chance, because you aren’t going to be able mine anymore in this county. Thank you very
much.

Howard Glastetter, 11110 Kuhlman Rd SE, Olympia

Good evening. My name is Howard Glastetter. I have lived in Thurston County’s Nisqually
Valley for the last forty years. I was an alternate member of the Thurston County Mineral
Lands Task force, attending and testifying at twelve of thirteen meetings starting in 2004.

Mother Nature has blessed Thurston County with a super abundance of gravel deposits. Out
of the super abundance, Thurston County is required to set aside land to produce the
equivalent of 20 years or so of gravel mining to meet Thurston County’s needs. Other
counties and cities aren’t as blessed as Thurston County and want quantities of Thurston
County’s gravel. That’s commerce and that’s a fact of life. The Thurston County Mineral
Lands Task Force gave many suggestions to protect the Thurston County environment. These suggestions are not restrictive, because of the abundance of resource in Thurston
County.

There are areas that meet these restrictions and will allow land designation. There are areas
that will not. However, with the Thurston County abundance, reasonable commerce will still
take place. These restrictions will also help to prevent over exploitation, even protecting this
grave resource for future needs. I would like to just read a letter I got from the Nisqually
Land Trust asking for money and they make a comment that I thought was appropriate here.

It says:

“Land prices are down, of course, but they way lands are owned are
changing too. Developers and Institutional Investors in places thousands of miles away are buying up local land for short term gain for rapid conversion and resale and it’s scary.”

So I think you folks should give the County Commissioners the authority to take action if they see that over exploitation is occurring.

Mine reclamation is another need that needs to be strengthened. Gravel mines are normally over impervious soil, over water recharge areas. When this soil is removed the land is even more impervious. These mines should be returned to neighborhood compatible use as soon as the mine, or any significant portion of the mine, exhausts. A good example of this is the Lacey railroad station located at what was once a gravel mine. A questionable example is a gravel mine I am aware – it’s right next to a maniple watershed and it’s mined out portion is being used for log storage and construction material storage. Any questions? Thank you.

Marc Hayes, 2636 – 59th Ave N.W., Olympia

Good evening. My name is Marc Hayes and I am speaking specifically from a wildlife research background of 37 years and I want to speak specifically to the location of the minimum designation criteria and would like to urge you to not strike the wording that is associated with at least 1000 feet from public preserves, etc. The reason I’m suggesting this approach is that there is a lot of good scientific information, specifically in the area of amphibians and reptiles that suggest that you can’t maintain populations with a buffer of less than 300 meters, which is 984 feet, only 16 feet less than your 1000 foot designation around parks and preserves, mostly because you often get an “edge affect” situation, that you habitat conditions out to 1000 feet don’t stay exactly the same. You have an edge affect that goes in a certain distance. The animals basically need that upland distance to survive if they’re in an area that is associated with wetlands and still-water habitat. Thank you.

Tom Cook, 652 Sandra Lee Ct S.E., Olympia

My name is Tom Cook and I was also a citizen member of the Mineral Lands Task Force. I supported some of the designation criteria proposed by the committee, but I also felt that you did not include another important criteria (inaudible) in meeting some of the information as well. This was particularly troubling to me in light of concerns and goals expressed by the County Commissioners in signing their original 13030 interim ordinance of October 2003. I respectfully request that you look at this interim ordinance and see the concern and goals they set. I will now go into some of my comments on a few of the concerns covered in my letter to you.

Under Minimum Designation Criteria the Planning Commission subcommittee recommended proposed gravel mines be sited away from areas of steep or unstable slopes. I think we only need to look at what recently happened in Yakima County where a gravel mine was involved in a major land slide that closed highway 410 for the rest of the winter and rerouted the Naches River. In light of that I would suggest that you seriously consider putting some comments in regards to the minimum standards to locate away from areas of steep slopes and unstable slopes.

Also, under the Designation Process there is nothing that explicitly gives the authority to the County Commissioners to suspend designation of Mineral Lands of Long Term Significance if they, in any given year, identify a cause for adverse impacts to the environment and public health and safety, or over-exploitation of a non-renewable resource as a result of designation.

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I would suggest that that type of concern be reflected in the ordinance.
Under Policies, this sort of gets to what Susan was saying in terms of – there’s a number of
Policies that are missing – the minimum designation criteria that were articulated in the
Comprehensive Plan chapter and these need to be brought forward into the Policy area.

Under Chapter 20.30B Designated Mineral Lands, the concern here is the Purpose section on
page 7, there is no statement that balances the need for mineral lands with the protection of
the environment. This is critical since this purpose statement sets the parameters for the rest
of the designation portion of the ordinance. So I would suggest that you give serious
consideration to putting something in there that balances this out, and I have suggested
language in my letter.

I have several other comments regarding cross-walking designation criteria’s with the Comp
Plan and Policies and I would suggest you could read those in the letter.

Sue Danver, 7106 Foothill Loop S.W., Olympia
Sue Danver, citizen. I support Black Hill’s Audubon’s position, especially the at least 1000
feet from public preserves, as well as their concern that the Comp Plan be placed in the
ordinance code. But I would like to step back and look at the context of this. In 2000 two
asphalt plants were applied to be located near two federal wildlife areas. This brought
attention to mineral lands. So we then learned that Thurston County has an abundance of
gravel. Unfortunately this gravel has prairie often on top of it and high quality wetlands
nearby.

Gravel mines have activities that can, would or could disturb wildlife. This includes diesel
truck air pollution, crushing noises, lights at night and possible still vibration impacts. What
affects one species may not affect another, but I think 1000 feet would protect all of them.
So I support that.

Industry will often state that environmental concerns will be addressed in the hearing. But as
a citizen that’s worked on two mines, a cluster housing and a development, I often find that
the Hearing Examiner goes back to the regulations, which you are making, so, and does not
add additional environmental concerns. Even with strong scientific testimony often times it
is not listened to. So your regulations are important. Therefore, I support that you have to
stop the 1000 foot at least buffer. And therefore I also, in support of that, you should be
looking at the precautionary principle, which is a moral and political statement which states
that if an action or policy might cause severe or irreversible harm to the public or to the
environment in the absence of scientific consensus, that harm will not ensue, the burden of
proof falls on the who would advocate taking the action. So I ask that you accept the 1000
feet as a precautionary principle. I see that I have a yellow light, but one thing that I would
be concerned about are frogs, and yesterday on public radio I heard about frogs being placed
at Ft. Lewis and here it is in the paper today – Oregon Spotted Frogs that are found in
Thurston County, only the two remaining populations here are here.

Mark Hancock, Box 88028, Tukwila
Hi, Mark Hancock. Thank you for the opportunity to comment on the changes to the
language tonight. I served as an alternate member of the Mineral Lands Task Force,
attending all the meetings as an alternate. My boss, we also bring over 40 years of
experience in this industry, including 30 years in Thurston County.
Obviously a number of concerns. We are primarily concerned that there is still confusion about the process of mineral lands designation versus permitting. Designation as required by State mandate is simply the setting aside and protection of these important and valuable lands for future use by the County and its citizens, while it is in the permitting stage that the details of a specific mining proposal and its impacts are reviewed and mitigated. The GMA says, and I quote:

“It is the intent of these guidelines that critical areas designations overlay other land uses including designated natural resource lands. That is, if two or more critical area designations apply to a given parcel, or portion of a given parcel, both or all designations apply.”

I cited that in the letter for you. There’s more language but I don’t have time to read it to you. You’ll have to check the letter on that.

But basically it provides a dual designation of mineral critical lands, where they don’t conflict, but fully complies with the WAC.

Few sites, if any in Thurston County, do not have some critical areas in or near them. I might point out the maps you just saw didn’t include several things, especially the so-called important species and habitat. You have gray squirrels – they are already on your list – there goes your forest. You have meadow larks, raptors and hawks – they are all over the County. So you can consider the County mostly tied up by things you can’t even map. But when a land owner comes in with a proposed use that’s going to be a big problem for them. So your maps are even worse than what you saw tonight.

The GMA dual designation allows for the mineral resource lands to be identified and set aside through designation, and the critical areas to be addressed and protected during the permit process.

Second concern is the criteria are still too restrictive. Much of the limiting criteria in these proposed documents are arbitrary, based on general assumptions and not on fact or science. It was earlier expressed the concern about frogs. What happens if we have a public park next to us that’s maybe a few thousand square feet on the edge of a residential development? Do we need a 1000 feet away from their lawn? So, one-size-fits-all does not apply to mining operations and it doesn’t apply to environmental conditions. You should really be putting as much as you can into the permitting stage and as little as you can into the designation stage, both because it’s the right thing to do, and it complies with GMA. The letter goes into a lot more detail on that.

A few other odds and ends. The mineral lands task force, I think, generally supported encouraging larger sites, where there is more ability to achieve greater setbacks to minimize potential impacts to the community and the environment, as opposed to smaller sites, and we support that goal.

Another goal that we support, that was discussed in the task force, was to give special consideration to expanding mines versus locating new mines elsewhere. We think that that goal should be added to the Comp Plan.

As others do I have housekeeping items and expand on these points in my letter. I appreciate your time.
Debra Jaqua, 3904 59th Quart SE, Olympia
I would just like to echo and second the comments made by Susan Marke, Mark Hayes, Tom
Cook and Sue Danver. Thank you.

Dean Smith, 7711 119th Lane SW
I work for Lakeside Industries, resident of Thurston County all my life, 52 years, sat on the
Mineral Lands Task Force as an Industry representative. The Industry is sending you a lot of
letters which you will read. I was just sitting back here thinking, I mean, we need to work
together. You guys – if what I saw in 20 years your going to put so much stress on the
Commissioners on paying for rock. I mean we’re lucky we’ve got 277 acres permitted, I
mean, we’ll be able to sell it by the ounce if this thing goes through. We really need to look
at that. I’ve been working for Lakeside for 30 years. I’ve seen gravel pits where we thought
we had 30 years and they’re gone in ten. So, thank you.

7:36 PM Chair Lane closed the public hearing at 7:36 p.m.

8. 7:36 PM WORKSESSION: MINERAL LANDS
Staff: Olivia Terwilleger, Scott Clark, Jeff Fancher, Deputy Prosecuting Attorney

The Commission asked to be allowed to read the materials that were submitted during the
public hearing before have a work session and taking action. Staff suggested that the
Commission review the changes that Ms. Terwilleger has made to the draft ordinance
following the last work session and then at the next meeting discuss the comments that were
received at this public hearing and make any final changes and a motion at that time.

The Commission asked questions concerning the Geologic Hazards map that was presented.
A discussion ensued concerning the draft ordinance and the designation process versus the
SEPA and Permitting processes.

A discussion ensued concerning scheduling work sessions immediately following public
hearings. The Commission agreed to review the comments and letters that were submitted at
the public hearing this evening and hold a briefing and take action at the December 16th
meeting.

9. 8:20 PM ADJOURN
With there being no further business, Chair Lane adjourned the meeting at 9:09 p.m.

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Chris Lane, Chair

Prepared by Cami Petersen, Recording Secretary