1. **6:30 P.M. CALL TO ORDER**

Chair Lane called the January 4, 2012 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, Edward Fleisher, Christopher Earle, Kathleen O’Connor, Bill Jackson & Jennifer Davis

**Absent:** Christine Spaulding & Liz Kohlenberg

**Staff:** Andrew Deffobis, Cindy Wilson, Scott Clark & Jeremy Davis

2. **6:30 P.M. APPROVAL OF AGENDA**

**MOTION:** Commissioner O’Connor moved to approve the agenda. Commissioner Nelson seconded. Motion carried as amended.

Commissioner O’Connor would like to discuss Planning Commission elections at the end of the meeting.

3. **6:30 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)**

   1. Jim Zahn – 3323 Yelm Highway SE Olympia, WA 98501 – Spoke in regards to agritourism
   2. Dave Lewis - Miles Sand and Gravel – 400 Valley Avenue NE Puyallup – Spoke in regards to mineral land regulations
   3. Howard Glastetter – 11110 Kuhlman Road SE Olympia, WA 98513 – Spoke in regards to 100-year flood plain and mineral lands

The official audio is available on line at:
http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.html

4. **6:39 P.M. STAFF UPDATES**

   Mr. Clark provided the following staff updates:
   - The public hearing was held on the subdivision moratorium. Many comments were received and the moratorium was extended for another six months.
   - A briefing will be held on mineral lands and asphalt plants on January 18th.
   - January 5th at Swede Hall will be the voluntary stewardship hearing.
   - Staff would like the Planning Commission to set a public hearing for mineral lands on February 8th to continue to meet the Growth Management Hearing Boards time line for compliance.
5. **6:42 P.M. WORK SESSION: Mineral Lands**  
*Staff: Scott Clark*

Staff presented the PC with Chapter 20.30B and the proposed changes of the mineral lands designation. Next hand out was the Comprehensive Plan changes which are noted in attachment A of the memorandum. The category I aquifer recharge area maps were also handed out. The map should help the PC with making the decision of whether they would like to allow designation of mineral lands in category I aquifer recharge areas or not.

The first discussion started with page 2-47 of the memorandum with the requirement of DNR reclamation permit. The language is obsolete and it requires something in advance of designation that cannot really be worked with so the issue was dropped and the County conceded.

The next was co-designation of critical areas and mineral lands. Staff took all of their recommendations out of the staff report that was presented at the last work session including all of the text changes and distilled them down. Then separated them out to just what staff is recommending for the designation criteria and what they are recommending for a use permit and policy changes later on. This will replace pages thirteen and fourteen and has to do with changes to 20.30B. The differences were then pointed out. Under 1a a new sentence will be added saying that when the County is making their designation they will consider the guidelines at the time they were actually designated mineral lands. Item F is also a change from the following PC meeting; designated mineral resource lands may not include lands designated for long term forestry. Then under E; if there are known critical areas under buffers predominantly covering the site it will not be designated. Staff will recommend however that they do partial designations of sites. This is consistent with past practice and examples were then given. On the code designation section the first paragraph was discussed where if a more comprehensive critical areas review be done at the time of permitting the applicant may be required to provide detailed information.

The staff report from December 21st included several recommendations in regards to designating mineral lands for CARA’s. The recommendation in that staff report for designation criteria only included the first recommendation and that was to prohibit designation to mineral lands within the one and five year horizontal time of travel zone for municipal water supplies. The well head protection area map was then handed out. The recommendation in the memorandum would read, a designation criterion five, as mineral resource lands shall not be designated within the zone one, one year or zone two, five year horizontal time of travel boundaries for any group A public water system. The corresponding change would then also be made within the code. This is also a water supply that supplies water to fifteen or more homes.

The question was then raised by the PC of why we are not including CARA one in this recommendation? Staff provided information of the best available science that was discussed and review prior by the PC. The review from Ontario, Canada and the review by Bob Meade show that gravel mining itself really produces no toxin it is the accessory uses that accompany it which are regulated at the time of permitting that cause the problems and this is where the best management practices come in. The purpose of designation which is to identify areas in which you can expect the extraction of long term mineral lands, you would assume you would be ok to designate in a CARA one outside of the one and five time of travel. The WAC was then referenced. The PC would also like to see the following...
statement on page twelve highlighted; designation does not guarantee or forecast that a
permit for mineral extraction will be granted. Such designation should not be used as a basis
for granting a special use permit.

The next discussion included Fish and Wildlife Habitat Conservation Areas on page three.
From the December 21st staff report there was one recommendation which was to prohibit the
designation of mineral lands of long-term commercial significance in known conservation
areas for species identified by federal, state or local agencies. The intent of this
recommendation is to use federal, state and local resources to ensure that known mapped
conservation areas for listed species are not designated as a mineral land of long-term
commercial significance in order to preserve known habitat areas. Criterion six will now also
read; mineral resource lands shall not include known important habitats and known habitats
of primary habitat of threatened or endangered species and their buffers as established by the
CAO at the time of designation. PC still has the concern that this section is not clear enough
and would like staff to reconsider certain areas to go over including known habitats. Staff
would like to use the word identified not known. This would be identified as the DNR maps,
the natural heritage that are currently used to show where species are and that those areas
should not be designated. In theory the maps are a template, to be applied at any given time
and have to be applied every time you update the Comprehensive Plan. The PC asked the
question if a particular area is already mapped and a land owner comes in with conflicting
information what is the process to get the mapped changed. Staff responded with the critical
area review process where a land owner can provide new information. If staff cannot verify
the information themselves the process is set up to where the land owner can hire a licensed
professional to go out and do a review. For the recommendations for mining goal and
policies in Chapter 3 Natural Resources and for the permitting of gravel mines in Title 20 as
a special use: In areas where emerging science has not yet led to a consensus of the
vulnerability of a species or habitat (e.g. where species are candidates for listing under a
federal or state agency), provisionally allow the designation of mineral lands of long-term
commercial significance, and evaluate current science and other relevant data during the
permitting process.

Within frequently flooded areas the criterion currently excludes mineral resource lands in a
100-year flood plains and staff is not recommending any changes to the current criterion.
The mineral lands goal and policies are placed within Chapter 3 Natural Resources Title 20
as a special use.

Wetlands included several recommendations in regards to designating mineral lands of long-
term commercial significance and the permitting of a gravel mine when the proposed site
may have wetlands. The recommendation number from each section of the original staff
report has been retained for reference purposes. Category 1 means the same as Class 1,
Category 2 means the same as Class 2. Mineral resource lands shall not include class 1 or 2
wetlands or their protective buffers but may include class 3 and 4 wetlands. This will be
changed to say “identified” not known or shall include.

Geological Hazards was not specifically addressed in the December 21, 2011 staff report so
did not include specific recommendations in regards to designating mineral lands of long-
term commercial significance when the proposed site may have geological hazard areas, and
the permitting of a gravel mine. Policy 10 in Chapter 3 section IV addresses geologic hazard
areas and mineral lands designation.
The new recommendation for designation criteria will include deleting criterion ten in the Comprehensive Plan. Within the special use permit this will specify which geological hazards you can mine within.

MOTION: Commissioner Nelson moved to set a public hearing for mineral lands designation criteria on February 8, 2012 at 7:00 p.m. Commissioner O’Connor seconded. Motion carried.

6. 7:21 P.M. Discussion of Election of Planning Commission Officers

The Planning Commission discussed that the election of officers should be held the second meeting in January at the first of the year. Commissioner Kohlenberg will be meeting with Board of County Commissioner Sandra Romero on Monday to discuss being reappointed. At the next PC meeting an election committee will be set-up when all Commissioners can be in attendance. This will provide every member on the PC to have a vote and the elections will be held on the first meeting in February 2012. The election committee will call each member to see if they are interested in certain positions and then report back to the entire group on February 1, 2012. Commission O’Connor and Commissioner Davis volunteered to split the group to call and discuss this particular information with then report back to the group.

7. 6:36 P.M. WORKSESSION: Development Code A-9 Agritourism

Staff: Scott McCormick

Mr. McCormick referenced the last draft of the agritourism staff report with many changes and edits. The cabin section and the country inn section were pulled out the staff report and the language that the PC and staff had agreed on at the last work session was added. The PC was then asked if they had any further issues or concerns with the last drafted staff report.

Commissioner O’Connor asked if aerial rope slide courses was going to be taken out of the AOD uses as discussed at the last meeting. Mr. Fancher was asked if this legally fell under an agritourism use. A show of hands of members of the PC was then taken to see if majority ruled on taking the language out and no further argument was made therefore the language remained in the AOD uses section.

The PC would like to take out the “possible definition” of Agritourism Overlay District (AOD) and make it the definition on page 3.

A short discussion was had on the proposed overlay district on page 5 and how it fell with agritourism. On number eight on page five the language was changed to say rural southern Thurston County and the Nisqually Ag District to be more specific. Within Conflicts with other regulations instead of saying least restrictive it will now say the overlay district provisions apply.

Commissioner Fleisher asked a question of what the meaning of item h was on page 8. The State Department of Agriculture has a set of laws regulate farming and it allows for different things to be exempt from other regulations. The example that was given was the selling of product grown on site. Case laws says that is a right of a land owner and Thurston County cannot pass a law that changes that however they do need a license.
On Page 11 item b was changed to alleviate confusion to say the total number of guest’s rooms for short-term rental permitted on an individual parcel is determined by a parcel size and the permitted residential density of the underlying zoning district. A suggestion of an exemption was also made to add farm housing and not using it in a calculation if they have existing farm housing for workers. This is already included in state law so it will be left out. The words in the clause; then subtract existing residential units this needs to exclude farm housing.

MOTION: Chair Lane moved to recommend the findings on page 2 of the memorandum dated January 4, 2012. Commissioner O’Connor seconded. Motion carried.

8. 7:48 P.M. CALENDAR

January 18, 2011 – All Commissioners will be in attendance

9. 7:48 P.M. Process Questions

Commissioner O’Connor asked how a direct e-mail from a citizen on an issue would be sent to them. Staff’s only thought was that an e-mail may have been forwarded with all of their e-mail addresses listed. A blind copy is suggested instead and is policy. If a citizen does send a Planning Commissioner an e-mail it is their option to respond or not. No discussion was had with this particular e-mail but the concern just needed to be brought up again.

10. 7:58 PM ADJOURN

With there being no further business, Chair Lane adjourned the meeting at 7:58 p.m.

Prepared by Carrie Toebbe, Recording Secretary