1. **6:30 PM CALL TO ORDER**
   Chair Lane called the December 16, 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, Christopher Earle and Edward Fleitcher

   **Absent:** Commissioner Karen Rogers and Tom Cole

   **Staff:** Olivia Terwilleger, Jeff Fancher, Scott Clark, Jeremy Davis, Cynthia Wilson

2. **6:30 PM APPROVAL OF AGENDA**
   **MOTION:** Commissioner O’Connor moved to approve the agenda. Commissioner Earle seconded.

   Staff was asked why one of the other property owner for the Maytown Land Use Evaluation was not listed for this discussion. Staff explained that they did not have a chance to contact the Batten’s, but past communications have indicated that they will object to the proposed rezone and moratorium of their property.

   Staff added two additional presentations to the agenda item **Briefing: Maytown Land Use Evaluation:**
   - Mr. Robert McIntosh, owner of the northern 800+ acres
   - Michelle Tierhey, Washington Department of Fish and Wildlife

   **Motion carried as amended.**

3. **6:32 PM PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)**
   There was no public communication.

4. **6:32 PM APPROVAL OF MINUTES**
   **MOTION:** Commissioner O’Connor moved to approve the November 18, 2009 minutes and accept the audio as the official record. Commissioner Earle seconded. Motion carried.

   Approval of the December 2, 2009 minutes will be moved to the January 6, 2010 meeting.
4. **6:33 PM  BRIEFING: MAYTOWN LAND USE EVALUATION**

Staff: Jeremy Davis, Sharon Coontz, Friends of Rocky Prairie, Kell McAboy, Port of Tacoma, Robert McIntosh, Northern Property Owner, Michelle Tierhey, Washington Department of Fish and Wildlife

Mr. Davis provided the Planning Commission (Commission) with a brief overview of the proposed site-specific Maytown Comprehensive Plan amendment and Rezone submitted by the Friends of Rocky Prairie in the Fall of 2007. The Board of County Commissioners expanded the area of consideration in the Spring of 2009. The rezone consists of two district areas known as Area 1 and Area 2. Mr. Davis explained that staff had tried to arrange a tour of the site but was unable to. Staff has invited both the major property owners of this proposal and the Friends of Rocky Prairie to provide the Commission with information and presentations concerning this proposal.

Mr. Davis provided the Commission with a brief Power Point presentation highlighting the following main points of the proposed rezone:
- Area 1 – proposed zoning designation change from RRI and RRR 1/5 to R 1/20
- Area 2 – proposed zoning designation change from RRI and RRR 1/5 to PP (Public Parks Preserve)
- Property ownership aerial photo taken in 2008
- Background timeline
- Major issues:
  - Critical areas
  - Priority habitat areas
  - Priority threatened and endangered species
  - Economic prosperity of the County; tax implications
- Zoning history

Mr. Davis introduced Sharon Coontz, representative of the Friends of Rocky Prairie.

Ms. Coontz provided the Commission with a map of the area in question, as well as a map of the proposed expansion of Millersylvania State Park.

Ms. Coontz introduced herself and provided the Commission with a brief background of the property in question and the proposed Comp Plan rezone amendment. Ms. Coontz explained that the Port of Tacoma (POT) purchased the property in 2006 for use as a proposed cargo transfer center and industrial site. The Department of Fish and Wildlife (WDFW) and the Nature Conservancy had been attempting to purchase that entire site for about 15 years because it is a rare habitat unique to Western Washington.

After the proposed logistic center and industrial site, concerns were raised from several sources. Additional knowledge was learned concerning the native outwash prairie on that site. The Friends of Rocky Prairie looked at this closely and decided to submit the rezone proposal. Ms. Coontz explained the habitat and uniqueness of this site and the process that occurred in putting together the rezone proposal.

Ms. Coontz stated that there has been great interest and desire to purchase the property in order to preserve this unique area, and the POT has stated that there has been a failure to yield any viable conservation-only solution. Ms. Coontz addressed this issue by explaining that in August 2008, the Director of the Department of Ecology (DOE), the Director of WDFW, other highly-placed officials from Federal, State and other non-governmental agencies met (together known as the Rocky Prairie Work Group) with the POT to attempt to find solutions that could benefit the POT and protect the property. The POT then decided to sell the property to the highest bidder.
Many agencies and entities have agreed that this area is an important and unique area for the entire region. The importance is greater than the size, and so-to would any impacts of development be. Ms. Coontz also discussed the possible impacts to nearby Millersylvania State Park, as well as the POT’s response that this site is already degraded due to its historical use as a site where explosives were manufactured, and has long been used for industrial use. Ms. Coontz stated that even though this property is zoned RRI, it has never have a large amount of employees or activity to generate impacts to the surrounding rural properties.

Ms. Coontz highlighted the following final points:
- This rezone would not affect the Special Use Permit for gravel mining on the property, if that is deemed in compliance by the County
- It would protect unique and valuable habitat, including rare outwash prairie, oak woodlands and Mima Mounds
- The protection of Millersylvania State Park, which benefits people in the County and the State
- 3000 acre wildlife corridor to protect
- The rezone will bring the property into conforming use with the surrounding area, and help maintain the rural character of south Thurston County
- It would protect Beaver and Allen Creeks, which are two salmon-bearing streams

Ms. Coontz stated that there are also additional simple reasons to support this rezone, and asked that this property be rezoned to protect the prairie as the Board of County Commissioners (BOCC) intend by the recent ordinance passed to protect the prairies of Thurston County.

The Commission asked the following questions of Ms. Coontz:
- Why didn’t the DFW and the Nature Conservancy acquire this property after trying for 15 years? Ms. Coontz explained that they were never offered more than just the northern portion of the property and that the owner at that time, Citifor, would not put it up for sale at its appraised value. State agencies and the Nature Conservancy cannot purchase properties for more than the appraised value.
- When did the POT acquire the land? Ms. Coontz stated that the POT purchased the land in 2006.
- Why did the rezone come up once the POT acquired the property, and did not attempt to rezone this before the POT’s proposed use, which is a permitted use? Ms. Coontz stated that Citifor had several plans that were in permitted, but the POT’s proposal was not something that was permitted on this property because of it’s proximity to the freeway and it would have been required to receive a special designation from the Legislature. It was not a permitted use for that area. A discussion ensued.

Mr. Davis introduced Kell McAboy, representative of the Port of Tacoma.

Ms. McAboy provided the Commission with a Power Point presentation which included the following information:
- A map of the Port of Tacoma (POT) site
- The POT opposes the proposed down-zoning
  - POT strongly opposes downzoning from Rural Resource Industrial and Rural Residential Resource 1/5 to Residential 1/20
  - Non compliant with the GMA
  - Inconsistent with the Thurston County Comprehensive (Comp) Plan – contrary to this claim by the application for rezone, the POT believes property as it is zoned is consistent with the Comp Plan and the proposed amendment would make it inconsistent.
• Growth Management Act
  o RCW 36.70A.170 requires Counties to designate mineral resource lands of long-term commercial significance for the extraction of minerals
  o The Growth Management Act designates Mineral Resource Lands (MRLs) equally important to the designation of mineral resource lands as it does agricultural lands, long-term commercial forestry lands and critical areas.
  o Thurston County designated 284 acres of MRLs in Maytown on 12-16-2005

• Property has Vested Permits
  o Department of Natural Resources Reclamation Permit
  o Special Use Permit (SUPT 020612) – this permit was granted and not appealed.
  o Consistent with and conforming to current zoning
  o Permits run with property and are fully transferable. The Commission asked if these permits will remain with the property even if the property is rezoned. Ms. McAbboy stated that the permits would remain with the property even if rezoned.

• Thurston County Comprehensive Plan
  o Mineral Resources Chapter: “Protecting these mineral deposits of long-term commercial significance for mining use is an important goal of the policies, as is preventing residential and other incompatible uses from locating adjacent to these deposits.”
  o Retaining RRI and RRR 1/5 zoning is compliant with the GMA and consistent with the County’s Comprehensive Plan

• Neighboring Properties
  o Downzoning to protect is inappropriate and unnecessary – the applications assertion that the down-zoning is necessary to protect the surrounding sites such as Millersylvania State Park and the DFW preserve is absurd. Both the state park and the preserve exist to protect the environmentally sensitive land and animals and the DFW was successful in acquiring the most important habitat south of the POT property for this reason.
  o Mining and reclaiming the severely degraded site is most habitat responsible action

• Residential Use
  o Residential 1/20 is not an appropriate zone for the Port property Residential Use – Ms. McAbboy presented a photo taken from a nitroglycerin handling/production area on the site and the clean-up which has occurred. Changing the residential use to 1/20 acres will do very little to protect habitat, while mining and reclamation over twenty years on the site will be a greater benefit to habitat in the long run.
  o Residential 1/20 is not an appropriate zone for the Port property

• Site History
  o 1940s to 1968: 1967 Dynamite manufacture
  o 1960s to 1994: Ammonium nitrate-based explosives manufacture
  o 1994 to 2004: Intensive logging
  o 2006 to present: Port of Tacoma took ownership and assumed cleanup activities

• Cleanup of Property
  o Port of Tacoma entered into two Agreed Orders with the Department of Ecology to clean up the highly degraded property:
    1. Removed extensive swaths of invasive species
    2. Removed 6,400 tons of DNT contaminated soils
    3. Remediated nearly 19,000 tons of soil and asbestos-containing debris
• Current Zoning
  o Allows for the best use of the property in the best interest of the County – tax revenue’s
generated from a private mining operation is estimated to be over $275,000 annually.
  o Allows for full environmental remediation – at the end of the twenty-year mining permit,
over 500 acres of reclaimed property will be left in perpetual habitat and prohibiting
future development. The reclamation plan was developed with the help of several
conservation groups.
  o Is compliant with the GMA and consistent with the Thurston County Comprehensive
Plan
The Commission asked Ms. McAboy why the POT opposes the proposed rezone if mining
would still be allowed to occur, and if the site is undesirable for residential use because of the
contamination. Ms. McAboy state that the mining operation is currently located in a RRI
Zone, which would allow the mining operation to add an accessory use in the future, if
needed, to continue operations. If this area was re-zoned to RR 1/20 the mining operation
may not be allowed to do that. A discussion ensued concerning the mining permit and
operation. The area is not currently being mined, but it is currently permitted for mining.

The Commission asked why the POT believes this site is so valuable that they do not wish to
search for another site. Ms. McAboy stated that the POT is interested in selling the property
currently, and the POT does not see any reason to change the zoning to RR 1/20 because it is
already vested for mining purposes. The Commission asked if changing the zoning would
decrease the value of the property and what the tax implications would be if the property was
re-zoned. Ms. McAboy explained that she is not an expert on land values. Mr. Davis was
asked if this issue is addressed in the staff report and Mr. Davis explained that he has put in a
request to the Assessor’s office as to what the tax implications would be.

The Commission asked what the economic background is on this property and the
discussions to sell this property to the Rocky Prairie Working Group (RPWG), a group
several agencies and interested in the preservation of this site. Mr. Davis introduced Jack
Hedge, POT, to answer this question. Mr. Hedge explained that there have been a series of
discussion to sell this property to the RPWG, and that the POT, being a public entity, went
through the required process for bids for purchasing this property. The RPWG did not put in
a bid. The POT has remained engaged with the RPWG. Mr. Hedge explained that WDFW
purchased approximately 800 acres of the Citifor property and left the remainder over, which
was deemed less valuable habitat which is the area that had been zoned and used for
industrial. This is the property that the POT purchased. The long-term goal of this property
with the mining operation and the reclamation plan is to end up with a series of re-clamed
ponds that are designed to provide habitat.

Mr. Hedge explained that the reason for opposing the zoning change is because there may be
ancillary needs of the mining operation as it moves forward and the industrial zone is
appropriate for this. Designated mineral resource lands and mining operations are considered
incompatible with the surrounding area, so maintaining at least a portion of it as industrial is
the appropriate zoning.

The Commission asked if Mr. Hedge would agree that a 1/20 residential zoning around a
mining operation would make more sense than 1/5 because of the typical noise and other
complaints surrounding mining operations. Mr. Hedge stated that it is a matter of what
would be a more appropriate zoning next to a mining site.

The Commission asked questions of Mr. Hedge concerning the size of the mining operation
and the entire parcel. Mr. Hedge explained that the POT would like to keep the industrial
zoning and the mining operation and in the future sell off the other property for conservation
purposes.
A discussion ensued concerning the history of the site and the POT’s reason for purchasing this site. The Commission thanked the POT.

**Mr. Davis introduced Robert McIntosh, northern property owner.**

Mr. McIntosh explained that he lives in the Boston Harbor area and is the owner of the McIntosh tree farm, about 800 acres out of 1200 acres that he owns is part of this rezone request. Mr. McIntosh explained that this tree farm has been in his family for five generations and is committed keeping this tree farm intact and undeveloped for many more generations, provided that they can continue to grow timber to support themselves and can continue to have the tree farm.

The McIntosh family is demonstrating their commitment to non-development by allowing a portion of their tree farm near Millersylvania State Park be included in the Park area. Mr. McIntosh stated that they support this rezone request. If the County will rezone the POT property to RR 1/20, the McIntosh family is willing to have the part of their tree farm east of Tilley Road rezoned to the same density. The family believes that Rocky Prairie, Millersylvania State Park, the fish and wildlife preserve, and the animals and plants of the area all deserve the protection that this down-zoning would provide.

Mr. McIntosh stated that Thurston County should change the zoning in this area for the following reasons:
- The industrial zoning in this area is a historical accident and there hasn’t been any industrial use on this site since 1994. A planner would not zone this site industrial today.
- The McIntosh tree farm part of the rezone request needs to be protected from development.
- The rezone would protect the Rocky Prairie area from industrial and residential development.

Mr. McIntosh stated that he believes that for all of these reasons, no rational planner or county government would allow residential or industrial use in this area. This is why they support the request to rezone this property.

The Commission asked if the McIntosh family is willing to rezone the eastern portion of its tree farm if the POT property is not rezoned. Mr. McIntosh stated that other timber owners have explained that locating a timber operation next to a residential area can make it very difficult to continue operations. Also, to be located next to an undesirable industrial use may cause the McIntosh family to have difficulty maintain their tree farm operation.

The Commission thanked Mr. McIntosh.

The Commission asked Mr. Hedge, POT representative, if the POT is still planning to use this site as a rail car staging area. Mr. Hedge stated that this is no longer the plan. A discussion ensued concerning the former proposal and the outcome of that.

**Mr. Davis introduced Michele Tirhi, Department of Fish and Wildlife.**

Mr. Davis explained that Ms. Tirhi, a representative of the WDFW, owner of approximately 800 acres to the south of the POT property. Ms. Tirhi will provide the Commission with environmental studies that have been done on this area, but WDFW will not be commenting on whether or not the properties in question should be rezoned because they have been a party in trying to purchase the POT property.

Ms. Tirhi, District Biologist for WDFW, stated that she was asked by the County to provide the Commission with information on the fish and wildlife in this entire area.
Ms. Tirhi stated that there is approximately 3% of prairie left of the original south Puget Sound prairies, which is why so many agencies are so interested in trying to purchase remaining prairie areas for preservation. Rocky Prairie is one of only five remaining quality examples of native outwash prairie in Washington State. The WDFW has a Comprehensive Wildlife Conservation Strategy for funding purposes, and recognizes the oak woodland mosaic as important habitat for wildlife species of greatest conservation need. The oak woodland complex has been identified at a State level as important wildlife habitat.

Ms. Tirhi stated that extensive surveys have been done for plant species and wildlife over the years, and this is considered a very high quality prairie. The POT has allowed WDFW to enter their site to continue these studies there. Ms. Tirhi provided a Power Point presentation to the Commission, showing the features of the area and the findings that they have made.

The Commission asked questions of Ms. Tirhi.

The Commission asked Mr. Davis to provide the Assessor’s value of the POT property. Mr. Davis will provide this information in his staff report to the Commission.

The Commission asked Ms. Tirhi what the valuation process is when WDFW is looking at a Commercial property and are there different priorities. Ms. Tirhi explained that there are five categories that a property must fall into in order for WDFW to consider buying a property.

The Commission took a five minute recess.

5. 8:00 PM BRIEFING: ZORAD SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENT/REZONING
Staff: Jeremy Davis

Mr. Davis provided the Commission with the background, department analysis and two options of the Zorad Comp Plan amendment proposal before the Commission. Mr. Davis provided the Commission with a Power Point Presentation highlighting the details of this application request. The Commission asked that the maps associated with this type of application also be placed on the web site. Mr. Davis will do that in the future.

The Commission asked questions of Mr. Davis. Mr. Davis explained that this will be taken to a public hearing in January as a joint public hearing/meeting with the Tumwater Planning Commission.

Maytown Briefing Staff Report:
A concern was raised by the Commission that considering the number of critical areas on these sites, rezoning this to RRR 1/5 would cause there to be a lot of properties that would become non-conforming, while R 1/20 would not cause that great of an impact. Mr. Davis was asked to show in the staff report the location of those critical areas and the feasibility of having RRR 1/5 vs. R 1/20. Mr. Davis explained that not all of the critical areas have been delineated at this time, but he will bring the latest Lidar maps of this area to the next meeting. Staff will look address this issue as much as possible in the next staff report. A discussion ensued.
6. 8:20 PM BRIEFING: MINERAL LANDS

Staff: Olivia Terwilleger, Cynthia Wilson, Jeff Fancher

Ms. Terwilleger explained that the Commission reviewed the proposed changes to the Comp Plan at the last briefing and will review those same proposed changes to the Development Code concerning mineral lands. Ms. Terwilleger and the Commission reviewed the draft and made minor changes.

7. 8:56 PM STAFF UPDATES

Staff: Scott Clark

Mr. Clark provided the following staff updates:

- The State budget was released this week and the funding for the seven-year Comp Plan update has been removed. The budget will now go to the State Legislature to make a final budget decision. A discussion ensued. Mr. Clark stated that regardless of this budget cut, Thurston County will be updating the Comp Plan in the next years.
- The Planning Department new website will be online during the first or second week in January. Mr. Clark explained what will be on the new site.
- An offer has been made to one of the applicant’s for the Assistant Climate Change position and they are awaiting a response.
- The Commission will be electing officers at the January 6, 2010 meeting. Mr. Clark will email information to the Commission prior to that meeting.
- Mr. Clark explained what the Commission will be working on at the beginning of 2010.
- Mr. Clark has submitted a grant request to amend the prairie interim regulations and to complete the Critical Areas Ordinance.

Chair asked the Commission for volunteers to participate on the Nominating Committee.

8. 9:05 PM CALENDAR

January 6, 2010 – no absenses.

9. 9:05 PM ADJOURN

With there being no further business, Chair Lane adjourned the meeting at 9:05p.m.

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Chris Lane, Chair

Prepared by Cami Petersen, Recording Secretary