THURSTON COUNTY PLANNING COMMISSION

Minutes December 16, 2009

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 Fleitche

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.

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

There was no public communication.

3. 6:32 PM APPROVAL OF MINUTES
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 McAbey, 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  
enlarged 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  
ocurred 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 the 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 concerning the POT’s opposition to the proposed downzoning of their property. The Commission asked questions of Ms. McAboy during the presentation.

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 stated 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. McAbey 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. McAbey 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-claimed 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 rezone 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, District Biologist for 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 explained that she was asked by the County to provide the Commission with information on the fish and wildlife in this entire area. Ms. Tirhi provided a Power Point presentation to the Commission.

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:
Commissioner Earle stated that he is concerned, that from purely an objective point of view, one of the things to consider here is number of critical areas that are located out there, and the risk that if that area were developed at a RRR 1/5 residential rate we would have to have a lot of non-conforming housing out there. That is, we would have to use a Reasonable Use Exception for a lot of those properties because they are located in oak woodland, areas that are primarily wetland, or are located in areas that have prairie soils, or their located in areas that have special wildlife values. A RRR 1/20 designation there would be much less risk of that. Commissioner Earle believes that generally it's a poor idea to plan for a situation where you're going to end up with a lot of non-conforming use like that. One of the things that I would like to see evaluated in the staff report is the distribution of those critical areas and the feasibility of locating a 5 acre versus a 20 acre parcel in different portions of the site based on that type of consideration. Particularly with an eye that this may lead to a conclusion where some portions of the site are appropriate for development of 1/5, but other areas would be appropriate for 1/20.

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 absences.

9. 9:05 PM ADJOURN

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

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Chris Lane, Chair

Prepared by Cami Petersen, Recording Secretary