THURSTON COUNTY PLANNING COMMISSION

Minutes November 16, 2011

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

Chair Lane called the November 16, 2011 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, Kathleen O’Connor, Christine Spaulding, Christopher Earle, Edward Fleisher, Jennifer Davis & Liz Kohlenberg

**Absent:** Bill Jackson

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

2. **6:31 P.M. APPROVAL OF AGENDA**

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

Mr. Clark noted that discussion will be had this evening regarding CARA’s and three guest speakers were added. Nadine Romero, the County’s Geologist, Art Starry, Director of Environmental Health and Gerald Tousley, Hazardous Materials also with the Thurston County Environmental Health Department.

3. **6:31 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)**

   1. **Jami Balint – P.O. Box 88028 Tukwila, WA 98138 – Gave comments on the draft critical aquifer recharge area ordinance.**

The official audio is available on line at:

http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.html

4. **6:34 P.M. WORK SESSION: Critical Areas Ordinance – 2nd Draft Materials, BAS Summaries, Discussion, Guest Speakers and Wrap-up**

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

Mr. Deffobis briefed the PC on the handouts that were passed out this evening. The first was a letter from Dennis Burke who is interested in talking to the PC in regards to reclaimed water. The second are maps that were submitted by LOTT showing their proposed facilities, overlay with the County’s CARA soils and geological features. A
timeline was also submitted by LOTT for their future facilities. The fourth was maps from staff showing the different aquifer recharge areas CARA I, II, III & IV. The fifth and final handout was a draft of Best Available Science on Geological Hazard Areas. Next staff will be working on creating clean drafts of the chapters that the PC have already gone through.

The CARA draft including recent changes was then discussed. Art Starry, the Director of Environmental Health was then introduced to discuss the changes that were made to the CARAs table. Within table 24-10 there is no longer a distinction between whether a proposed use is on a septic system or not. In current rules and earlier drafts there were differences between what was aloud based on whether or not they were on a septic system or if they were connected to sewer. The fact is that when the County permits a septic system people are supposed to only be handling domestic waste.

The table was then discussed. Commissioner O’Connor asked for clarification on X/S that is new on the table in general meaning whatever the use is it is then prohibited and there may be small amounts that are evaluated. For example a chemical storage facility not including fuel and a five to ten year time of travel. Staff responded that they are continuing to work on the definition of the X/S with Environmental Health but it is meant to provide a limited exception or site specific. The discussion of even using different letters took place to alleviate confusion in may using an M for mitigated instead of S since it is already used. The Planning Commission (PC) also thought that maybe defining an option instead of using letters within the table at all would be better especially right before the public hearing. Gerald Tousley with Environmental Health (EH) then discussed his department’s view of the changes. The concern when the table was first brought to him (and others within the EH Department) was that everything was just mainly X which did not make sense or any room for options. They took different situations from doing inspections on wells, well head protections areas and waste stream inspections and then applied them to the table to see if a change could be warranted. The true questions is do we have the authority to do everything we need to do to regulate it without the X/S just by the language that’s in the chapter. The table will be reviewed again on a staff level to see if we can eliminate the X/S and just go with an S providing the conditions are in the language. The PC would like to have the Best Available Science referenced within this change.

The maps that were handed out were then discussed. Nadine Romero, the County’s Hydro geologist stated that she had given staff the newer geologic maps from the Washington State Department of Natural Resources. There were certain areas that should be showing as a “green” that were not specifically within Southern County. The belief is that DNR did not receive enough funding to finish the map and Ms. Romero will be pulling the older version to make sure certain areas they are positive about get added. The PC requested that once these changes were done that they could be sent a link to the maps so that they can be viewed on a larger computer screen. The PC also requested dates of drafts be put on the maps.

On page 5.2 paragraph C the question was to describe what was being said. Ms. Romero responded with the following “So this is to recognize and maintain the delicate balance.” The section read; Recognize and maintain the delicate balance of connection between
surface water and ground water in order to preserve essential biological, physical and geologic functions. After reading through this section the PC, staff and Ms. Romero agreed that the paragraph needs to be rewritten. Another question was asked of staff on page 5-3 paragraph b.2. The first and second paragraphs in this section are duplicated so staff will be deleting the second to read moderate.

Ms. Romero stated that we do have geological maps for most of the County except the Southern County. The State geologist is waiting for further funding to finish the rest of Southern Thurston County. Once the updates are sent to Ms. Romero she will be updating the maps.

Chair Lane asked if staff could provide the answer to the question of why we allow things that have hazardous materials in these protection areas and we don’t allow mining. Mr. Deffobis said that partially the reason staff has held off on mining issue is there waiting until the mineral lands issue is brought back before the PC. Staff expects CARAs and mineral lands to come before the PC at the same time. Currently there is an active discussion with staff about mining in CARA I’s. The question is do you allow mining in CARA I’s or not comes back to are you trying to avoid them contaminating your drinking water system and if avoidance is the only measure you use to keep them out of CARA I’s. However, the industry has standards and techniques to prevent the contamination from happening within a reasonable time of travel to where you’re not going to contaminate it do you prohibit them from mining? These are the options that the PC is going to have to take a look at when brought to the table. Examples of different counties rules were then given. The PC then discussed waiting to hear from the public first at the public hearing and then making any further changes to the table.

Ms. Romero then discussed some points about reclaimed water while going through a power point presentation. Ms. Romero had been working with staff to provide further information on what they call in the field “contaminate fate and transport analysis”. The geologic units were first to start and after attending a LOTT meeting and hearing their concerns the Department of Ecology with Ms. Romero went over multiple documents on the wastewater effluent chemistry to see which direction the language should be written. The new CARA regulations require contaminate fate and transport calculations and monitoring for key pharmaceuticals. Discussion of how the County will conduct monitoring of these CEC’s was then broken down including showing the CFT calculations for reclaimed water on a concentration site where it has been moved to.

Mr. Starry brought up the point that these are very challenging issues to deal with and that it will be good to hear from the public in regards to these issues at the public hearing before going further with the table. The trick here is to make sure that this ordinance and others have some language that allows as when new information becomes available that is something that can be used to make decisions on permits.

Mr. Davis then discussed that staff had not yet done a new Chapter for Title 20 on Summit Lake Special Management Area. This is something that staff was going to transfer over to Title 20 from the existing CAO, Chapter 17.15. The text in the Summit Lake Overlay Zone is largely unchanged but a purposes section was added, a conflict section and all of the criteria that is within the existing code to the proposed code. The
intent of the Summit Lake Overlay Zone now would be to allow those shoreline losses
that can’t construct garages on their own property to do it on an adjacent lot. A color
map was passed out showing the shoreline lots and the adjacent up zone lots where they
may or may not be able to build a garage. The Critical Area regulations will not override
the Summit Lake Zoning Overlay.

Sometime next week the PC should expect a CD Rom with all of the reference changes in
Titles 13, 14, 17, 20, 21, 22 & 23 both for the Critical Areas Title 24 17.15 change as
well as the transition from Development Services Department which is no longer and has
been replaced with Resource Stewardship Department. The Roads and Transportation
Department has also been changed over to the Public Works Department.

5. 8:23 P.M. STAFF UPDATES

Mr. Clark provided the following staff updates:

- The published hearing notice will be in the Nisqually Valley News and was in the
  Olympian today. Interviews will be next week with two different newspapers.

6. 8:25 P.M. CALENDAR

November 30, 2011 – Commissioner Earle will not be in attendance.

7. 8:25 PM ADJOURN

With there being no further business, Chair Lane adjourned the meeting at 8:25 p.m.

Chris Lane, Chair

Prepared by Carrie Toebbe, Recording Secretary