



THURSTON COUNTY PLANNING COMMISSION

Minutes February 16, 2011

1 **1. 6:32 P.M. CALL TO ORDER**

2 Chair Lane called the February 16, 2011 meeting of the Thurston County Planning
3 Commission to order at 6:32 p.m. Commissioners provided self-introductions.
4

5 **Attendance:** Chair Chris Lane, Commissioners, Christopher Earle, Kathleen O'Connor,
6 & Scott Nelson Christine Spaulding & Jennifer Davis
7

8 **Absent:** Bill Jackson, Liz Kohlenberg & Edward Fleisher
9

10 **Staff:** Andrew Deffobis, Cynthia Wilson, Jeremy Davis, Tony Kantas, Robert Smith,
11 Thurston County Resource Stewardship Department and Kevin Hughes, Thurston County
12 Public Works Department
13

14 **2. 6:32 P.M. APPROVAL OF AGENDA**

15
16 **MOTION: Commissioner O'Connor moved to approve the agenda. Commissioner**
17 **Earle seconded. Motion carried.**
18

19 **3. 6:33 P.M. APPROVAL OF MINUTES**

20
21 **Commissioner O'Connor moved to approve the December 15, 2010 minutes and**
22 **accept the audio as the official record. Commissioner Earle seconded. Motion**
23 **carried.**
24

25 The following changes were made to the December 15, 2010 minutes:

26
27 Page 2, line 27 – Change verbiage, the word “implore” should be something different.
28

29 *Commissioner Nelson arrived*
30

31 **Commissioner O'Connor moved to approve the January 5, 2011 minutes and accept**
32 **the audio as the official record. Commissioner Nelson seconded. Motion carried.**
33

34 The official audio is available on line at:

35 [http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.h](http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.html)
36 [tml](http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.html)
37

38 **4. 6:36 P.M. WORK SESSION: Cottage Housing**

39 *Staff: Tony Kantas*
40

41 Mr. Kantas gave the Commission a brief update on Cottage Housing. Staff has decided
42 to wait to make further changes to the draft ordinance until the Cottage Company has
43 responded with comments on the City of Tumwater's draft ordinance to provide further

1 direction. The recommendations should be received and reviewed within the next two
2 months. A short discussion ensued.

3
4 **5. 6:46 P.M. WORK SESSION: Development Code A-7 Farm Stands**

5 *Staff: Robert Smith for Scott Longanecker*
6

7 Mr. Smith explained that he was here on behalf of Mr. Longanecker who could not make
8 it to the meeting this evening. A-7 is to amend the development code to allow retail sales
9 of agricultural products. Within the planning commission packet a new revised staff
10 report was submitted with new language and text that was added after the February 2,
11 2011 Planning Commission Meeting. A discussion ensued in regards to the changes.
12

13 **6. 7:05 P.M. WORK SESSION: Development Code A-10 Home Occupation & Home**
14 **Based Industry Road Standards**

15 *Staff: Robert Smith for Scott Longanecker & Kevin Hughes, Thurston County Public*
16 *Works*
17

18 Mr. Smith explained that on February 2, 2011 the Planning Commission (PC) met
19 regarding the Development Code amendment to Thurston County Title 20. Prior to
20 setting a public hearing date for the proposal the PC had requested some additional
21 information including specifications for Appendix 6-A roads and a list of land uses
22 permitted as home businesses in rural Thurston County. The Development Code is to
23 allow flexibility of road surface standards for home occupations and home based
24 industries. A revised staff report was submitted to the PC with new language as
25 requested. A discussion ensued.
26

27 Kevin Hughes with the Thurston County Public Works Department talked to the PC
28 about the 160 vehicular trips per day, which would trigger a paved road. The 160 trip per
29 day threshold for a paved road comes from existing Thurston County Road Standards and
30 refers to single trip, rather than round trips. As this requirement comes directly from
31 other existing County regulations, it is not subject to change. Also, typically a 6-A road,
32 if it is going to remain private and is an existing 20 foot surface road then the Public
33 Works Department will review and typically will not make you redo the entire thing. The
34 main structure that determines this factor is the 20 foot surface which is also a fire code.
35 A driveway as defined in the roads standards is an access serving only one home. An
36 access serving two or more homes is defined as a road and has to meet the 20 foot surface
37 standard.
38

39 **7. 7:21 P.M. SET PUBLIC HEARINGS:**

40
41 The decision was made to delay setting public hearings for A-7, Farm Stands and A-10
42 Home Occupation & Home Based Industry Road Standards until further changes and
43 clarification is made and discussed.
44

45 **8. 7:22 P.M. WORK SESSION: Critical Areas Ordinance – Non-Conforming Use &**
46 **Existing Lots Discussion Only**

47 *Staff: Andrew Deffobis, Jeremy Davis, Scott Clark & Cynthia Wilson*
48

1 Mr. Deffobis started the discussion by stating that this evening specifically they will only
2 be discussing the updates to the Non-conforming Use and Existing Lots Chapters only
3 that were dispersed to the PC back in late January. Staff is continuing to work on the
4 draft chapter updates including best available science and the PC should have then soon.
5 The draft chapters should also be available on the web site soon. A power point
6 presentation was then given that went over definitions and explanations of some changes
7 and points within each chapter. A discussion ensued.
8

9 The general caveats that were discussed at the beginning of the presentation were; when
10 staff discusses non-conforming use they mean legally existing non-conforming use
11 structure lot. There are differences in the standards between critical areas the biggest
12 being split between frequently flooded areas and everything else. The frequently flooded
13 areas are typically subject to chapter 1438. Detail standards of everything that has been
14 discussed are within the proposed chapter 2450 of the Thurston County Code. This
15 information should be placed on the website within the next couple of days. Further
16 questions were then asked of staff.
17

18 **9. 8:18 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which**
19 **public hearings have been held.)**
20

21 *Glen Morgan – 1001 Cooper Point Road SW, Suite #140-222 Olympia, WA 98502*
22

23 Mr. Morgan reviewed what he had brought up to the Planning Commission at the
24 December 12, 2010 meeting in regards to the CAO, tax shift and buffers. One of those
25 issues was the tax shift implications on property owners related mainly to buffers not so
26 much the critical area itself and the new prairie ordinance. Mr. Morgan stated that the
27 liability to the county is only increasing substantially by expanding the riparian buffers.
28 This is largely an issue of how the Assessor is looking at these properties. When Mr.
29 Morgan spoke to Scott Clark (Planning Director) he said that there has not been a fiscal
30 study done nor has one been done since 2006. He posed the question if the Planning
31 Commission would be involved in making recommendations in regards to these issues or
32 if it has to start with a recommendation from staff. This is a big concern primarily
33 because the actual tax value with the assessment caused by these continuous expansion of
34 critical areas is starting to be seen in some of the rural properties both in the sale and in
35 the comp structure. The big impacts are going to be in the small taxing districts and the
36 inevitable tax shift that is going to occur to the urban areas by the devaluing of that
37 property during the tax shift.
38

39 The other issue is the cost of the habitat management plans, required of the Critical Areas
40 Ordinance. Mr. Morgan states that he has heard reports from staff to both the Planning
41 Commission and the Commissioners about what those costs are to the residents. It is
42 possible that staff is being led by the consultants that are out there actually conducting
43 these habitat management plans because all of the plans that I have seen are extremely
44 expensive even in very minor issues.
45

46 Some town hall meetings are being scheduled starting in March to discuss the Critical
47 Areas Ordinance and how it is affecting property owners. Mr. Morgan encouraged both
48 staff and planning commissioners to attend.

1
2 Mr. Morgan asked one question of the planning commission. “Does the Planning
3 Commission have the ability to say that we should do a fiscal study, or is that something
4 that comes from the Commissioners?” Scott Nelson and Chris Lane responded with yes,
5 it would have to be either the Commissioners or the Assessor.
6

7 *Scott Roberts – Property Rights Director of the Evergreen Freedom Foundation – P.O.*
8 *Box 552 Olympia, WA 98507*
9

10 On October 20, 2010 Scott Clark made testimony in front of this body that there really
11 wasn't much science at all on the pocket gopher. A special meeting was then had with
12 State and Federal Department of Fish and Wildlife were they buried their souls to them in
13 a private meeting and they told him well we really don't have any science on this, in fact
14 it is so thin that we cannot call it best available science we have to call it best professional
15 practices. So basically the best guess is that we write a whole bunch of ordinances that
16 impacts 117,000 acres in Thurston County and 57, 000 property owners. Anytime you
17 want to sneeze or build something on your property you have to go create a habitat
18 management plan. Then he claimed that they were only a couple hundred dollars maybe
19 ranging up to a few hundred dollars but may be a little bit more on bigger projects, but
20 they are very expensive. If you want to do an ADU of 800 square feet you have to hire
21 Key McMury to come out for \$2,700.00 and she will tell you that you can't use three of
22 your five acres and you get to pay for that privilege. Plus you have to keep paying the
23 taxes on the property that you cannot use. I have seen four, one for \$2,600.00, one for
24 \$2,700.00 one for \$25,000.00 and a relocation plan for \$80,000.00. That is not cheap, it
25 is not inexpensive and it is huge impacts on property owners and 57,000 property owners
26 are currently impacted by the prairie ordinance. It is being enabled by this body, this
27 body needs to say look there is not enough science. Fish and Wildlife can only do
28 basically a poaching of people that kill those animals and they can come and arrest you
29 which they haven't in Thurston County, but they cannot be enabling actions through the
30 growth management act through local governments. That is basically going to be this
31 body, this body needs to say there is not enough science, and we can't throw out these
32 blanket ordinances that have these huge impacts across the county.
33

34 The growth management acts says that you have to review and revise as necessary. It
35 seems as if staff has kind of gone in the back room and just started gemming up writing a
36 new critical areas ordinance without showing any kind of necessity that they need to be
37 revised. You need to consider best available science, you need to consider new things
38 that doesn't need you need to start rewriting the ordinance. Thurston County has had a
39 critical areas ordinance in place since 1995, you have lots of history with the one in place,
40 what were the goals of the critical areas ordinance to begin with and how are we
41 specifically not meeting those goals. Then what specific parts of the ordinance do we
42 need to rewrite with necessity to actually meet those goals. What are our goals for the
43 critical areas ordinance, what is the existing ordinance and why aren't they meeting them
44 and how does the new ordinance enable us to meet those?
45

46 **10. 8:37 P.M. STAFF UPDATES**

47
48 Mr. Davis provided the following staff updates:

- The County recently passed a Bio Mass Moratorium at the end of December. The BOCC instructed staff to form a technical advisory group on the Bio Mass Moratorium.
- Ed Fleisher needs to be reappointed by the BOCC.

11. 8:38 P.M. CALENDAR

March 2, 2011 – Kathleen O’Connor will not be in attendance

12. 8:39 PM ADJOURN

With there being no further business, Chair Lane adjourned the meeting at 8:39 p.m.

Chris Lane, Chair

Prepared by Carrie Toebe, Recording Secretary