



THURSTON COUNTY PLANNING COMMISSION

Minutes August 3, 2011

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

2
3 Due to the absence of the Chair, Chris Lane and Vice-Chair, Scott Nelson the following
4 motion was made:

5
6 **MOTION: Commissioner Davis moved to elect Commissioner Spaulding as pro-tem**
7 **chair in the absence of both the chair and vice-chair. Commissioner O'Connor**
8 **seconded. Motion carried.**

9
10 Commissioner Spaulding called the August 3, 2011 meeting of the Thurston County
11 Planning Commission to order at 6:30 p.m. Commissioners provided self-introductions.

12
13 **Attendance:** Commissioners, Scott Nelson, Christine Spaulding, Christopher Earle
14 Edward Fleisher, Kathleen O'Connor, Jennifer Davis, Bill Jackson & Liz Kohlenberg

15
16 **Absent:** Chair Chris Lane

17
18 **Staff:** Jeremy Davis, Mark Swartout, Olivia Story, Andrew Deffobis, Cynthia Wilson,
19 Scott Clark, Tim Rubert, Resource Stewardship Department & Veronica Warnock,
20 Prosecuting Attorney's Office

21
22 **2. 6:31 P.M. APPROVAL OF AGENDA**

23
24 **MOTION: Commissioner O'Connor moved to approve the agenda. Commissioner**
25 **Davis seconded.**

26
27 Commissioner O'Connor wanted to remind the public that they are limited to a two to
28 three minute time period when giving public testimony.

29
30 **3. 6:32 P.M. APPROVAL OF MINUTES**

31
32 **Commissioner O'Connor moved to approve the July 20, 2011 minutes and accept**
33 **the audio as the official record. Commissioner Davis seconded. Motion carried.**

34
35
36 **4. 6:32 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which**
37 **public hearings have been held.)**

38
39 To hear public testimony please use the following link:
40 [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)
41 [tml](http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.html)

42
43 *No members of the audience chose to speak.*

1 5. 6:33 P.M. PRESENTATION: CAO Frequently Flooded Areas

2 *Staff: Andrew Deffobis, Long Range Planning & Tim Rubert, Resource Stewardship*
3 *Department*

4
5 Tim Rubert with the Resource Stewardship Department was introduced and has been
6 working with frequently flooded areas within Thurston County since 1989. A
7 memorandum was handed out including the draft chapter of frequently flooded areas to
8 the planning commission. Existing flood regulations in Thurston County are found in
9 chapter 14.38 in the building and construction title and also in section 17.15.900 in the
10 CAO. The proposed chapter 24.20 was in conjunction with chapter 14.38 to provide the
11 flood protection standards to Thurston County.

12
13 To obtain the county's flood markings, staff goes out after a significant flood after safety
14 precautions are taken to measure elevations at each site. Each high flood marks are
15 flagged, a picture is taken and then a GPS unit also marks the spot. After this process the
16 county's survey crews who are licensed surveyors go out and measure the elevations.
17 Washington State requires a licensed surveyor to measure the flood elevations. All of the
18 current areas that have been marked as a flood zone are on the Resource Stewardship web
19 site. The flood protection elevation for construction is benchmarked to the base flood
20 elevation, ranging anywhere from 1 to two feet is usually what you will see across
21 jurisdictions. This means that new structures are required to be elevated above this level.
22 In Thurston County we require 2-feet above base flood elevation. New structures are
23 prohibited in the floodway and may be permitted on existing lots in 100-year flood
24 plains, subject to standards. The maps are currently being digitized to create more
25 accuracy since they were created in 1982. Due to current FEMA regulations each permit
26 that is applied for in a flood plain has to have a habitat assessment. Out of the habitat
27 assessment it determines whether the project has no effect, not likely to adversely affect
28 or adversely affect the species. Staff can probably move ahead with permitting if it has
29 no effect or is not likely to adversely affect. The problem will be if it is determined to
30 have an adverse effect, then the property owner has to have a section 7 consultation with
31 the National Marine Fisheries Service before the county can issue the permit. Currently,
32 the county does not receive a lot of applications for permits within a flood plain.

33
34 The current flood hazard regulations also prohibit septic drain fields and wells in the
35 floodway, again subject to standards 14.38 may allow them in the flood plain on existing
36 lots. Replacement of non-conforming structures is also prohibited.

37
38 If you are currently living in a house within the 100-year flood plain the county does not
39 require them when applying for an addition to bring the entire house up to code unless the
40 cost of remodel or repair is more than 50% of the current market value of the home.
41 However there is an incentive to homeowners who do bring their homes 2 feet above
42 flood level because it also reduces their flood insurance.

43
44 The proposed chapter 24.20 includes standards for the flood plain, flood way, channel
45 migration zones, coastal flood hazard areas and high ground water flood hazard areas.
46 The proposal clarifies and amends standards for high ground water flood hazard areas
47 and adds standards for channel migration zones. Restrictive development zone of the
48 high ground water flood hazard area and channel migration zones were then discussed.

49
50 In cases where due to lot configuration on an existing lot if a proposal needs to go into
51 that channel migration zone hazard area to be accommodated, ultimately the approving
52 authority determines with all the evidence whether there is a risk to public safety and if so
53 it may not be allowed. A Reasonable Use Exception application may also be applied for.

1 The proposed chapter discusses Coastal flood hazard areas where development is allowed
2 land ward of the mean high tide line and then structures must be raised three feet above
3 the base flood elevation. Currently chapter 14.38 states that structures must be raised
4 only to the base flood elevation.
5

6 **6. 6:51 P.M. WORK SESSION: Mineral Lands – GMHB Compliance**
7 *Staff: Olivia Story*
8

9 During the last planning commission meeting a concern was brought up that staff was not
10 contacting the members from the mining industry that showed interest in aiding staff with
11 the process. Staff has now contacted them and are working toward a resolution on the
12 issues.
13

14 The issues were then discussed and included within the power point presentation. Ms.
15 Story handed out a disc to the planning commission that included all the attachments that
16 are posted on the web site. Tonight the discussion will be based around; critical area
17 aquifer recharge area ones (CARA), well head protection areas, important habitat and
18 species, the fema 100-year flood plain, wetlands and geological hazard areas.
19

20 The first WAC that must be considered is 365-190-020(7) which says: It is the intent of
21 these guidelines that critical areas designations overlay other land uses including
22 designated natural resource lands. For example, if both critical area and natural resource
23 land use designations apply to a given parcel or a portion of a parcel, both or all
24 designations must be made. The second WAC 365-190-040(7.a) which says:
25 Overlapping designations. The designation process may result in critical area
26 designations that overlay other critical area or natural resource lands classifications.
27 Overlapping designations should not necessarily be considered inconsistent. If two or
28 more critical area designations apply to a given parcel, or portion of a given parcel, both
29 or all designations apply. (a) If a critical area designation overlies a natural resource land
30 designation, both designations apply. The CARA and Wellhead Protection Areas had the
31 adopted text in question: Minimum designation criteria 5. Mineral resource lands ***shall***
32 ***not*** include delineated wellhead protection areas CARA1. This was not the
33 recommendation of the task force but was the recommendation of the planning
34 commission over a year ago. Staff is not asking for the recommendation of the planning
35 commission at this meeting but letting them know all of the options so they can review
36 them before the public hearing and let the public view them also. The options include: A,
37 Leave it as it is – Mineral resource lands ***shall not*** include delineated wellhead protection
38 areas CARA1. B, Allow designation to include CARA – Mineral resource lands ***may***
39 include delineated wellhead protection areas CARA1. Potential impacts to these areas
40 will be evaluated at the permitting stage. The permit will be required to meet the CAO in
41 effect at that time. C, Draft new language.
42

43 The current adoption text for Important Habitat and Species language prohibits the
44 designation in mineral lands. This is the opposite of what the task force recommended
45 but is consistent with the planning commission's recommendation from last year. The
46 options again include: A, Leave it as it is – Mineral resource lands ***shall not*** include
47 important habitats and species areas and their buffers as established by the Critical Areas
48 Ordinance at the time of designation. B, Allow designation to include important habitats

1 and species areas – Mineral resource lands may include important habitats and species
2 areas. Potential impacts to these areas will be evaluated at the permitting stage. The
3 permit will be required to meet the CAO in effect at that time. C, Draft new language.
4

5 The planning commission stated that they have concerns with the different options
6 because they may appear misleading. The options are not all or none and will include the
7 best available science. The options will be considered but the motions from the planning
8 commission will also be based on best available science. Ms. Story will be working on
9 creating a staff report to display these options including the best available science to base
10 the factual information on to aid the planning commission and the public in
11 understanding their options. The Growth Board does not listen to the audio tapes of the
12 planning commission meetings so it is important that the record show all the evidence
13 staff and the planning commission have used to base a decision.
14

15 *Vice-Chair Scott Nelson arrived and will now lead the rest of the meeting.*
16

17 The current adopted text prohibits the designation of mineral lands in the FEMA 100 year
18 floodplain. This is consistent with the task force recommendation and with the planning
19 commission recommendation. The current options are: A, Leave it as it is – Mineral
20 resource lands shall not include...any Federal Emergency Management Agency (FEMA)
21 100 year floodplain. B, Allow designation to include 100 year floodplain – Mineral
22 resource lands may include...any Federal Emergency Management Agency (FEMA) 100
23 year floodplain. Potential impacts to these areas will be evaluated at the permitting stage.
24 The permit will be required to meet the CAO in effect at that time. C, Draft new
25 language.
26

27 The current adopted text prohibits the designation of wetlands class 1 and 2 but not 3 and
28 4. This is consistent with the task force recommendation and with the planning
29 commission recommendation. The current options are: A, Leave it as it is – Mineral
30 resource lands shall not include class 1 or 2 wetlands or their protective buffers, but may
31 include class 3 and 4 wetlands. B, Allow designation of areas containing class 1 or 2
32 wetlands – Mineral resource lands may include all classes of wetlands and their
33 protective buffers. Potential impacts to these areas will be evaluated at the permitting
34 stage. The permit will be required to meet the CAO in effect at that time. C, Draft new
35 language.
36

37 The current adopted text says that mineral lands designation must be located away from
38 Geologically Hazardous Areas. The task force recommendation stated that these were
39 not necessarily incompatible. The planning commission did not make a recommendation
40 on this issue. The current options are: A, Leave it as it is – Mineral resource lands shall
41 be located away from geologically hazardous areas such as steep and/or unstable slopes
42 as provided by the CAO. B, Allow designation to include geologically hazardous areas –
43 Mineral resource lands may include geologically hazardous areas such as steep and/or
44 unstable slopes as provided by the CAO. Potential impacts to these areas will be
45 evaluated at the permitting stage. The permit will be required to meet the CAO in effect
46 at that time. C, Draft new language.
47
48

1 Additional changes were also discussed and included, Minimum designation criteria,
2 Goal 7 from the Comprehensive Plan (Policy 12), 20.30B.030 (g. Critical Areas). It was
3 also noted that all of these options were discussed, voted on and the best available science
4 was discussed and used in the last planning commission recommendation. From this
5 position, after the public hearing, the planning commission will again make a
6 recommendation to send to the Board of County Commissioners (BOCC). The BOCC
7 will make a decision that is then sent to the Growth Management Board who will hear it
8 and then make a decision if the county is now consistent with the Growth Management
9 Act. If the Growth Management Board decides again that the county did not consider the
10 options with the best available science and create a record then they will again send it
11 back to the planning commission for further discussion and decision making.
12

13 August 17, 2011 is the next work session before the public hearing on September 7, 2011.

14
15 7. 7:44 P.M. SET PUBLIC HEARING FOR: One Open Space Tax Program
16 Application, September 7, 2011

17 *Staff: Olivia Story*
18

19 MOTION: Commissioner O'Connor moved to set a public hearing for One Open Space
20 Tax Program Application on September 7, 2011. Commissioner Fleisher seconded.
21 Motion carried.
22

23 8. 7:45 P.M. WORK SESSION: Capital Facilities Plan

24 *Staff: Mark Swartout*
25

26 Mr. Swartout briefed the commission on the Preliminary Capital Facilities Plan (CFP) for
27 2012-2017. The Capital Facilities Plan is Chapter 6 of the Comprehensive Plan and is
28 updated annually. Any projects that do get adopted are approved through the BOCC and
29 the County cannot do a capital project unless it is within the Capital Facilities Plan. This
30 is the reason why usually there are far more projects within the plan that are actually done
31 within the six year period. In August there will be briefings BOCC, with the Storm water
32 Utility and Public Works. In September the Planning Commission will hold a public
33 hearing. In late October, the BOCC will start with their budget deliberations and may
34 also make decisions that may move projects around within the CFP. A CFP supplement
35 has been created to describe in more detail projects found in CFP.
36

37 The key Growth Management Act (GMA) requirements for CFP are: GMA planning
38 goals, CFP required content, CFP consistency with the County budget, GMA and state
39 grants and loans and GMA sanctions for non-compliance. GMA planning goals ensure
40 that...Public facilities and services are in place when development is ready for occupancy
41 and use...without decreasing current service levels below locally established minimum
42 standards. The CFP required content is that it has to have an inventory of existing
43 facilities, with locations and capacity, forecast of future needs, county capital facilities –
44 objectives and policies and a 6 year plan for financing that is within projected funding
45 capacity and identities sources of public funding. CFP required content also requires that
46 if funding falls short we will reassess land use and ensure that land use, CFP and CFP's
47 financing plan are coordinated and consistent. The CFP and the annual budget are to be
48 consistent. Therefore, the two are adopted at the same time so the first year of the CFP
49 can be consistent with the coming year's annual budget. There are penalties for non-
50 compliance of GMA. The following grants are in jeopardy unless there is a public health
51 and safety issue or regulatory requirement; Centennial Clean Water Fund (Capital

1 Projects only), State Revolving Fund (Capital Projects only), Public Works Trust Fund
2 and FEMA – Hazard Mitigation Program. There are other grants that give preference for
3 being in compliance. The Governor may sanction certain state funds, unless there is a
4 public health and safety issue or regulatory requirement. The motor vehicle fuel tax,
5 transportation improvement tax, transportation improvement tax, urban and rural arterial
6 trust accounts, sales and use tax, liquor profit and excise tax and real estate tax (REET).
7 The CFP decision making process through staff was then discussed. For the CFP projects
8 ranking criteria, each department uses a unique set of ranking and priority setting criteria
9 based on their circumstances. Some examples were then given of different departments
10 using said criteria. Then different departments projects whether it be new or no
11 changes/projects were discussed.
12

13 Financial impacts were listed within the table of the handout and are available on the
14 website and within the public record. The effect on local taxes and fees are listed in table
15 6-13 on pages 6-76, conservation futures property tax levy went from 3.6 cents/\$1,000 to
16 4.26 cents/\$1,000. The summary of the 6 year financial plan is within table 6-12, on
17 pages 6-75. The total six year financial plan is \$149,041,800 down from \$170,875,480
18 the previous one.
19

20 **9. 8:16 P.M. SET PUBLIC HEARING FOR: Capital Facilities Plan, September 21,**
21 **2011**
22 *Staff: Mark Swartout*

23
24 **MOTION: Commissioner O'Connor moved to set a public hearing for the Capital**
25 **Facilities Plan on September 21, 2011. Commissioner Kohlenberg seconded. Motion**
26 **carried.**
27

28 **10. 8:18 P.M. WORK SESSION: Critical Areas Ordinance: Geohazards**
29 *Staff: Jeremy Davis, Andrew Deffobis, Cynthia Wilson & Scott Clark*
30

31 Mr. Deffobis introduced the draft chapter addressing frequently flooded areas under the
32 CAO, which is proposed Chapter 24.20 TCC. The draft chapter covers development
33 regulations for floodways, 100-year floodplain, and high ground water, channel migration
34 and coastal high hazard areas. One purpose of the chapter is to augment the County's
35 existing building code standards for flood hazard areas found in Chapter 14.38 TCC.
36

37 The proposed standard buffer (landslide and marine bluff hazard) is greater of the
38 following: 50 feet from toe and top of slope, or; distance from toe of slope upward at
39 slope of 2:1 until intersecting with topography of site, ordinary high water mark
40 (OHWM) used for marine bluff hazards; or the minimum distance recommended in
41 geotechnical assessment. Currently how that proposal differs from the current CAO is 50
42 feet at top, 25 feet at toe of slope and the approval authority may increase up to 100%
43 based on required reports and may also reduce the buffer. In marine bluff hazards the
44 current CAO uses greater of 50 feet from top of slope or behind 2:1 slope determination.
45 The planning commission was given a jurisdictional comparison handout at the last
46 meeting to compare what the county has within their CAO. A discussion ensued.
47

48 The next step will be to release the remaining draft chapters to the planning commission
49 including; Critical Area chapters (CARAs and FWHCAs), Critical Area Tracts and

1 Easements and Special Reports. All of those draft chapters will be discussed in
2 upcoming work sessions.

3
4 **11. 8:38 P.M. STAFF UPDATES**

5
6 Mr. Clark provided the following staff updates:

- 7
8 • At the next planning commission meeting an evaluation of where we are at with
9 the CAO will be made to determine whether or not to start weekly planning
10 commission meetings. No date has been set but the hope is to have the planning
11 commission in a public hearing by late October 2011.

12
13 **12. 8:41 P.M. CALENDAR**

14
15 August 17, 2011 –All Commissioners be in attendance.

16
17 **13. 8:42 PM ADJOURN**

18
19 With there being no further business, Commissioner Nelson adjourned the meeting at
20 8:42 p.m.

21
22
23
24
25 _____
26 Scott Nelson, Commissioner

27 Prepared by Carrie Toebe, Recording Secretary