MINUTES - Regular Meeting

Thurston County Planning Commission
Wednesday, April 4, 2001
County Courthouse Complex
2000 Lakeridge Drive SW
Building 1 - Room 152
Olympia, Washington 98502

1. Call to Order

Chair Bower, followed by introductions of Planning Commission members, called the meeting to order at 7:00 p.m.

   a. Attendance

      Members Present: Bob Bower, Liz Lyman, Brian Fagermes, Janet Reiner, Peggy Paradise, Thomas Smith, and Mark Lovrien

      Members Absent: Tom Cole and Barbara Frost

      Staff Present: Fred Knostman, John Sonnen, Jeff Fancher, and Sandy Norton

   b. Approval of Agenda

The agenda was approved as submitted.


Chair Bower stated that the public hearing is on the following amendments:

   • OLY-1, Update Parks and Open Space chapter (Chapter 7) in the Comprehensive Plan for Olympia and Olympia Growth Area.
   • OLY-2, Green Cove Creek: Create policies for low impact development and habitat preservation, and amend land use designations and zoning in the Green Cove Creek Basin.
   • OLY-3, Redesignate and rezone existing Community Retail District on Mud Bay Road to more appropriate use district.

Chair Bower opened the public hearing at 7:05 p.m.

Prior to public testimony, Mr. Sonnen provided a background on the joint planning process followed by a presentation on the Parks and Open Space chapter (OLY-1) and the redesignation and rezone of the existing Community Retail District along Mud Bay Road (OLY-3) followed by a presentation by Andy Haub from the City of Olympia on the Green Cove Creek Basin (OLY-2).

Mr. Sonnen provided a brief background on the joint planning process. Referring to a large map identifying the Growth Areas for the City of Lacey, Olympia, and Tumwater, Mr. Sonnen stated that the
growth areas are intended to accommodate city growth over the next 20 years. Therefore, the cities take the lead in creating the land use designations, zoning, and development standards for those areas. Mr. Sonnen stated that as the cities develop plans they collaborate with both City staff and the County Planning Commission to devise standards that are sensitive to the existing constituents of the County as well as future residence of the City. Mr. Sonnen also stated that disagreements are worked out between the Board and the City Council and ultimately one plan is adopted for the growth area.

Mr. Sonnen stated that the Olympia Planning Commission conducted their public hearing on these same topics on May 19, 2001 and they are in the course of deliberations before formulating their recommendations to go to the City Council.

Mr. Sonnen stated that the Thurston County Planning Commission would look at these proposals in light of the testimony the public offers and the recommendations from the City of Olympia Planning Commission to formulate their recommendations to the Board of County Commissioners.

**OLY-1, Update Parks and Open Space chapter (Chapter 7) in the Comprehensive Plan for Olympia and Olympia Growth Area**

Mr. Sonnen displayed a large map of the proposed facilities plan within the park plan. Mr. Sonnen highlighted the key proposals that would affect the County section of the plan and not the changes proposed within the City.

a) Proposal for neighborhood parks that are 4-5 acres in size that have playground equipment and basketball courts etc. be spaced no more than 2 miles apart rather than 1 mile. Mr. Sonnen stated that a couple of proposed parks identified in the current plan in the Medrona area, another off of French Loop Road, would be replaced by one existing park and a proposed park to the south. Mr. Sonnen stated that two parks would be added off the Yelm Highway in the vicinity of Spooner Farms. One park would be a sports complex of approximately 40 acres with a wide variety of athletic facilities and the other is proposed to be a community park with the standard playground equipment and some athletic fields for drop in activities. Mr. Sonnen stated that one of two parks proposed for the Lister Road area, east of Bigelow Lake, would be replaced with a community scale park, which would also provide an athletic field and standard playground equipment.

b) The plan currently in effect calls for protecting large expanses of quality wildlife habitat to preserve wildlife within the City limits. The proposed plan calls for establishing corridors of open space that are primarily composed of wetlands, stream riparian areas, and steep slopes that are high esthetic and habitat value with easements to provide linkages between existing and proposed parks so people would have an opportunity to walk along the areas and go from one park to another. Mr. Sonnen stated that in the County this would include areas along Green Cove Creek and the marine shoreline along French Loop Road area, expansive areas in the Bigelow Lake area, a proposed corridor that would extend along Chambers Creek down to Yelm Highway and extend along the railroad right-of-way. Mr. Sonnen stated that within a couple of the proposed open space corridors trails are proposed. Mr. Sonnen stated one trail
would extend along both sides of Bigelow Lake extending as far north as 26th Avenue and also extend over the north side of the lake across South Bay Road to the proposed community parks in the Lister Road area. Mr. Sonnen stated another trail would follow Chambers Creek through large parcels, through the Wilderness subdivision, and through the new Chambers Crossing subdivision down to the Yelm Highway. Mr. Sonnen also stated that there is a small segment of trail proposed along the south side of Ward Lake, which would extend through the current undeveloped properties north of Newcastle Subdivision to the Chambers Lake area.

Mr. Sonnen stated that there are some policy changes most of which are not significant as they relate to the County. One proposed amendment identified are proposed as PAR 4.7, page 98 of the public hearing draft that called for legislative authority to collect impact fees in the growth area and the Planning Commission is interested in any comments relative to this proposed policy.

OLY-3. Redesignate and rezone existing Community Retail District on Mud Bay Road to more appropriate use district.

Mr. Sonnen provided a brief overview of this amendment. Mr. Sonnen provided an aerial photograph identifying the area to illustrate the zoning districts. Mr. Sonnen stated that last year the City of Olympia rezoned a lot of the area designated Community Retail, along 4th Avenue and State Avenue, to a higher density designation better suited for the purpose of the Comprehensive Plan. Mr. Sonnen also stated that the remnant sections remain Community Retail, in the County extends from McPhee through the commercial area and the area occupied by Phyl’s Furniture on Overhulse Road.

Mr. Sonnen stated that in order to simplify the code, Olympia staff suggested the County eliminate the Community Retail zone and replace it with another existing zone (professional office multifamily). Mr. Sonnen stated that the zones are similar. Mr. Sonnen stated that two uses would be made non-conforming by the proposed change. Mr. Sonnen stated that the equipment rental business and Whiskers would be made non-conforming. These uses are currently allowed in the Community Retail district but not allowed in the Professional Office district. Mr. Sonnen stated that Phyl’s Furniture was a non-conforming use under the current designation. Mr. Sonnen stated that the proposed amendments would allow these existing uses to be designated as allowed uses. Mr. Sonnen also stated that “allowed uses” means they would be able to expand or rebuild in case of a fire.

Mr. Sonnen stated that the other proposed change, which may affect some existing and potential businesses in the district, is the size limit on general merchandise stores (5,000 sq ft) and specialty stores (4,000 sq ft). Mr. Sonnen stated this would affect some stores wanting to expand or if specialty stores wanting to move into an existing building possibly exceeding the size limit.

OLY-2. Green Cove Creek: Create policies for low impact development and habitat preservation, and amend land use designations and zoning in the Green Cove Creek Basin.

Andy Haub from the City of Olympia provided a brief overview of this proposal. Mr. Haub stated that the Comprehensive Plan proposed amendment focuses on the Green Cove Creek Basin on the northwest side of Olympia. Mr. Haub stated that the basin is approximately 2500 acres and located roughly from
Cooper Point and Mud Bay Road and northerly and westerly discharges to Eld Inlet. Mr. Haub stated that the proposal is to create a low impact development district for residential land use and to apply that district to the portion of the basin within Olympia as well as the Urban Growth Area. Mr. Haub provided an overhead illustration to outline the following topics:

a) The Problem - Proposal stems from a problem statement originated several years ago. This problem suggests that City of Olympia land use and development regulations are not achieving the Comprehensive Plan goals for protection. Mr. Haub stated that the City has goals that look at environmental protection, enhancement, and potential restoration for our creeks and wetlands. Mr. Haub stated that urban development does impact our creeks and wetlands and local creeks and wetlands are deteriorating as we grow.

b) The Science – The science that has been applied to the problem is largely Puget Sound specific research, which suggests we need to focus our environmental efforts in urban areas on protecting what is left, and suggest that we need to retain forest cover and try to infiltrate stormwater and consider changing development standards to accomplish this goal.

c) Board of County Commissioners and Council Response – County Commissioners and City Council have adopted the Green Cove Basin plan which acknowledges the problem and suggest we look at development standards. The cities project, streams and wetlands, came about in 1998. Mr. Haub stated that in the year 2000 there was a fair amount of coordination between the City and County elected officials on this problem, which resulted in an interim down zone approximately one year ago with a directive to investigate options for increasing protection.

d) Multi Pronged Approach – Mr. Haub stated the approach that the County Commissioners and City Council asked us to pursue was multi faceted to look at the regulations and Comprehensive Plan as well as capital facilities, reforestation, land purchase, monitoring, education, septic maintenance and a whole comprehensive program for environmental management in the basin.

e) Low Impact Development – Mr. Haub stated this was addressed with respect to the Comprehensive Plan amendment and the regulations that address low impact development. Mr. Haub stated that “low impact development” is a term used to imply subdivision development that has a lower environmental impact then what we have traditionally required. Mr. Haub stated that in order to do this we need to look at impervious surfaces, replicate natural hydrology, maximize vegetation, and maintain urban services in a life style we are accustomed to.

f) Regulatory Tools – Mr. Haub stated that the regulatory tools used include Comprehensive Plan amendments, our goals and polices, unified development code, public works design guidelines, and the drainage manual which regulates on-site stormwater.

g) Proposed Comprehensive Plan Amendments – Mr. Haub stated this occurs in three chapters of the Comp Plan: land use and urban design chapter, which includes language that would create the new district and acknowledges that higher quality and aquatic habitats can prompt different expectations for new developments which could include lower density and unique development
standards. Environment chapter of the Comp Plan proposed amendments creates goals and policies that would allow applications of that district created in the land use district based on varying aquatic habitat values found in different creeks and wetland systems and acknowledging we need to try and protect the best. Utilities and public services chapter, which are simply consolidations, clarifications, part of annual amendments and ongoing revisions to the Comp Plan.

h) Public Comment – Mr. Haub stated the Olympia Planning Commission has heard comments from the public on these proposals and variety of the comments stemming from environmental issues, financial implications, public process, and various aspects of consistency with the Growth Management Act.

CITY INITIATED JOINT PLAN AMENDMENTS

OLY-1, Update Parks and Open Space chapter (Chapter 7) in the Comprehensive Plan for Olympia and Olympia Growth Area

Public Testimony

1. Chris Aldrich, 4405 7th Avenue SE #301, Lacey, WA 98503

Mr. Aldrich, with AKI Landscape Architects, provided testimony on behalf of the Detray Family Partnership and DePaul Detray who is a landowner with extensive landholdings in the Chambers Lake area. Mr. Aldrich testified on a couple concerns relating to the Park Plan amendments. Mr. Aldrich stated that as a conflict of interest as a landscape architect he has vested interest in promoting parks and trail systems. Mr. Detray asked that I relay that we are not opposed to parks or trails and inter-modal connections and connectivity in open spaces, in fact we applaud and encourage the adoption of this plan. There is a lot of work and energy that has been put into this plan. Mr. Aldrich stated that some things are market driven and he and Mr. Detray encourage them to be put into developments and Mr. Detray has done projects in that vicinity that include open spaces. Mr. Aldrich stated that Mr. Detray has a specific concern regarding the OS 39 designations of the Comp Plan changes. Mr. Aldrich stated that OS 39 is on the north end of Chambers Lake directly over several of his family owned parcels and this would probably severely impact some of the development. Mr. Aldrich stated that this area is a medium density residential area in Olympia and is fairly a high-density development and currently this area is well served with recreational opportunities and open space amenities both public and private. Mr. Aldrich stated that there is a State and County boat launch access to Chambers Lake, which is adjacent to the Chehalis Western Trail, there are private parks related to two or three mobile home parks and Panorama City. Mr. Aldrich stated that specifically the concern is the neighborhood center overlay zone on this property. This zone specifically requires small park activities with a minimum one acre in size and we wanted to make sure the plan does not require redundancy on these parcels and present undo restrictions on Mr. Detray’s development. Mr. Aldrich stated that Mr. Detray has similar arguments for OT 12, which is a trail on the west side of Chambers Lake. There is some feeling that there is a redundant access around the west side. Mr. Aldrich asked if it was really necessary to acquire
it through already developed parcels and it will impose some impacts on his properties. Mr. Aldrich stated that security issues with respect to senior developments, specifically senior mobile home parks, senior housing, and senior apartment complexes are a number one concern and hopes the plan encourages to address security issues and access control where parks are occurring next to those kinds of developments. Mr. Aldrich stated that there is a conflict of interest for free access to those kinds of uses versus patrolling and allowing security for that adjacent use and hopefully the plan encourages to adopt those kinds of policies.

2. Bob Jacobs, 720 Governor Stevens Avenue SE, Olympia, WA 98501

Mr. Jacobs stated he is here to speak on the financing of neighborhood parks in the Urban Growth Area. Mr. Jacobs stated that everyone would agree that parks are a very important part of our quality of life and that is particularly so when development becomes dense as it does in cities and urban growth areas. Mr. Jacobs stated that until a year ago the City of Olympia was charging impact fees within the urban growth area so that residence of that area would be provided with the same level of neighborhood parks as the rest of the city so that when they come into the city the parks would be there. Mr. Jacobs stated that since the court decision that now forbids collection of impact fees in the growth area, that there is a really untenable situation. Either the current residents of Olympia have to spend their money in the urban growth area to at least by the land so that there will be neighborhood parks in that area, therefore subsides those other folks, or they have to wait until annexation happens at which point is often to late at the land is already developed. Then people in urban growth areas would forever be without area parks close to their homes and would forever be treated as second class citizens within the city. Mr. Jacobs stated that he is asking that some equitable method be found so that the people who were developing in the urban growth area would contribute in a fair and equal way to the provision of the parks facilities that are going to serve that area forever. Mr. Jacobs stated he does not think there is any one right answer and there must be different ways of accomplishing this but he would hope the County and City would work together to assure some fair way that parks can be provided in the urban growth area so as this area continues to develop, as the urban area continues to move out, the delivery of parks services would be on an equitable basis.

3. Charles Olson, 3341 Donnelly Drive SE, Olympia, WA 98501

Mr. Olson is a retired army colonel who has lived in the area for 10 years and is primarily interested in the clearance of the path along Chambers Creek. Mr. Olson stated Chambers Creek runs right through his housing area where he has many greenbelts and all the way along Chambers Creek. This greenbelt along the creek is just like the natural habitat has always been. If we improve the banks to make room for people to walk followed by bicycles, skateboards, motorcycles, and god only knows what next, this will turn into another Chehalis Trial for rapist to run down and for dope sellers to do their business 50 yards from the highway. Secondly, if we allow the trail it will destroy the natural habitat that is along this creek that is just like it was a hundred years ago, except the bigger trees are gone and there are smaller trees now. Mr. Olson stated he thinks the creek has salmon coming up into it to spawn. Mr. Olson stated this would allow people easy access in our housing area, which he objects to. Mr. Olson
stated we have access in the housing area by our roads and our sidewalks now and we don’t have a lot of
outside pedestrians cruising through our housing area and for that reason we have a low crime rate.
If we allow entry up the proposed Chambers Creek Trail it would be an open door for undesirables to
come in and do their criminal type things as they do on the Chehalis Trail. Mr. Olson stated he is
against creating a trail along Chambers Creek.

4. Chris Fuess, 1126 State Avenue NE, Olympia, WA 98506

Mr. Fuess addressed the funding for some of these park improvements. Mr. Fuess stated he agrees with
Mr. Jacobs that the areas of the urban growth boundaries should have to pay their fair share for these
parks, which would benefit them, and it shouldn’t just be the city. Mr. Fuess stated he also likes the
approach of putting a lot of trails and things for people to enjoy the area. Mr. Fuess stated he is been in
a lot of towns, Eugene being one, where along the streams there are very nice parks and inter linking
trails and it also serves as a method for people to get from place to place and he thinks that is important.

5. Jan Britt, PO Box 466, Olympia, WA 98507

Ms. Britt identified herself as the Secretary for Wilderness Property Owners Association representing
279 property owners in Thurston County. Ms. Britt spoke on two issues, one for and one against. Ms.
Britt stated that on behalf of the property owners association they are for the park and greenbelt area
that runs behind the LBA Park between Boulevard Road and Wiggins Road and we believe this would
help provide a buffer for the proposed Log Cabin Road extension which the Road Department has
informed us it will be built within the next six to seven years. Ms. Britt stated that this is currently an
undeveloped area that they would like to see remain undeveloped. Ms. Britt stated on two occasions
she has run into Olympia Police Officers patrolling behind LBA Park. Many people use it for walking
their dogs, jogging, and occasional dirt bikes, which they have recently gotten out because of the recent
snow storms and ice storms that have brought down some trees. Ms. Britt stated that we have some
protected wildlife in this area, basically hawks, which are nested in some of those trees above the old
County shed on Boulevard Road. Ms. Britt stated that they also have deer, squirrels, rabbits, raccoons,
coyotes, possums, and California quail in addition to the hawk. Ms. Britt stated that they are in favor
and believe it would help meet some of the goals in protecting the stormwater and wildlife and
providing recreation already being used.

Ms. Britt stated that she is also speaking against and in opposition to the Chambers Creek Trail that is
being proposed because it does not meet the goals that were mentioned. Ms. Britt stated this area is
already developed. Ms. Britt stated from Wiggins Road to Yelm Highway there are houses along both
sides of the creek. If you were to develop a trail you would be taking what is currently protected, what
is currently natural landscape, and adding impervious surfaces that would adversely affect the creek,
stormwater drainage, and our septic systems which are in some fragile states in the Wilderness
Development. Ms. Britt also stated that a traffic danger would be added if the trail were to be
developed. Ms. Britt stated she has complained to or three times in the last year to the Thurston County
Sheriff’s Office about speeding and traffic on Wilderness Drive. Ms. Britt stated that they have had
several accidents, which no one has been hurt, but so far mailboxes, county signs, fences, and trees have
been run down on Wilderness Drive. To add pedestrians would not add to the safety of the citizens.
Ms. Britt stated she would like to echo Mr. Olson’s statement and that Mr. Olson is the Vice President of the Wilderness Homeowners Association. Ms. Britt stated that they are concern about the crime increase that may result from adding people to an area where we don’t need people. Ms. Britt stated this area is already developed, they protect it and clean out the Chambers Creek area once a year, and through association dues take care of and remove any trees that are in danger or clogging the creek and frankly we don’t need you, we are taking care of it so leave us alone in the Wilderness property development please.

6. Steve Shanewise, 1826 Skamel Avenue NW, Olympia, WA 98501

Mr. Shanewise commented on the new park approach relative to wildlife habitat. Mr. Shanewise stated he has a small environmental consulting business and deals with wetland and wildlife issues and he whole hardily endorses the new approach of going for linier parks instead of the large tract system that was previously recommended. Mr. Shanewise stated the main reason for this is primarily that city species are not closed forest organisms; they are mostly semi open forest and edge species. You have different birds and mammals that live in the different systems and in the city we have the semi open edge species and promoting habitat for them in the city is a smart way to go. The main things they need are trees and shrubs preserved whether they’re linier or not does not make much difference to them. Mr. Shanewise stated that within the city we already have three large tracts, Grass Lakes, Watershed Park, and Priest Point Park and for a city of this size, these are large habitat components and do not need to be complemented to much. Mr. Shanewise stated that the large tracts of land for wildlife are more appropriate outside the urban growth areas and those are the places for those sorts of species that depend on closed forest habitat. Within the City we need to learn to live with our Robins and chickadees and not have the spotted owls etc. that are in the forest. Mr. Shanewise stated he endorses the new approach and thinks it will provide the cities with plenty of urban wildlife.

7. Doug DeForest, Executive Officer of the Olympia Master Builders

Mr. DeForest stated he is appearing before the Planning Commission on behalf of the Olympia Master Builders and as a resident of the County. Mr. DeForest stated that he does not think anyone is against parks but the question is how do you pay for them and he urged a note of caution in that regard. Mr. DeForest stated that it is true that the City of Olympia did try to collect impact fees in the urban growth area and essentially did so as a ransom so that developments could get sewer and water and the judge held that ransom was illegal. Since that time the City started off to figure another way to do it and made some efforts to work with the County. But they seem to have abandoned those efforts as he has not heard anything from them in the last year or so. Mr. DeForest stated if the City is sincere in wanting to do that then he suggest they start over again and get a hold of the effected parties and try to work something out. Mr. DeForest stated that what they propose to you is not the way to do it and he is surprised that the County would even show any consideration for this. The way I understand it is that the City expects to collect something in the neighborhood of 3.2 million dollars from County residents, transfer that money into the City coffers, and you have short changed the residence of the County. Some day they may be annexed, some day they may not, who knows but to have a system whereby
money is extracted from County residents, placed in the City of Olympia, and disappears from the control of the County with no assurance where any of it will go to the benefit of the County residents is a system that I think you should not approve. You should send it back and try to figure out a way for the County to keep that money and spend it to the benefit of the County residence. Mr. DeForest stated there is no assurance under the current system that the City couldn’t collect that money and spend it on Priest Point Park or someplace else, for some City park or some City function. There is no accountability and no method to track that.

Mr. DeForest stated that while the city is quite good when you say to them “where did you collect this money from?” They could give you a good accounting of that. When you turn around and say “where did you spend it?” We can’t get that information from them and I doubt that any private citizen can. The ability to find out how SEPA monies land our impact fees are spent is a piece of the Growth Management Act that is simply missing and that accountability is not there and we are not able to do it. Mr. DeForest stated that we need a system with better accountability before we start collecting money from County residents for the benefit of the city parks system.

8. Michael Lynch, 4230 14th Avenue NW, Olympia, WA 98502

Mr. Lynch identified himself as the president of the Cooper Point Association. Mr. Lynch stated that he would like to point out that currently no County parks in the Cooper Point area and one of the things the Cooper Point Board is looking to develop and work with the parks commission and the County in developing a salt water access park in that area.

9. Sara Joett, 915 Wilson Street, Olympia, WA 98502

Ms. Joett stated she lives near Lions Park and spends quite a bit of time there and it is wonderful and she appreciates that open space and the trees hold the springtime that we experience in different ways. Ms. Joett stated she has heard owls and seen bats flying around and it is just a wonderful place. Ms. Joett stated that sometimes there is some hard things that happen there with children and delinquents, yet it is a place of community and we need to have places to make mistakes that are out in the open where the community is seeing these things happen. It is an opportunity for the children that have gotten through the cracks who may not have had the best life at home to take their skateboards and bikes and visit their friends. Ms. Joett stated she is for parks and open space. The trees are what make our air and global warming is not just a fallacy. Ms. Joett stated she thinks that the trees and all living things that we find in these open spaces is going to be what we appreciate in the long run and hopes that we can all pay for these things. Ms. Joett stated that she knows there is money there for these things and we just need to work together and if there is problems lets sit down and talk about it. Conflict resolution is really good.

10. Marie Bain – 1633 South Bay Road, Olympia, WA 98502

Ms. Bain stated she did not understand the map as far as how this is going to affect her property. Ms Bain has three acres and she can disagree or agree because she does not know if the line will go through her property or if a parking lot is being proposed. Ms. Bain stated she wish she knew more on
how this proposal is going to affect her.

Chair Bower suggested she talk with Mr. Sonnen. Chair Bower stated that once we get through and make our recommendations the County Commissioners will be holding a public hearing on this same material and between now and then you can get together with Mr. Sonnen to get all your questions answered so you know what to say on this particular issue.

**Written Comments**

Written comments are attached and made part of the minutes. Please see attachments L-8 – L-10 and L-12.

**OLY-2, Green Cove Creek:** Create policies for low impact development and habitat preservation, and amend land use designations and zoning in the Green Cove Creek Basin.

**Public Testimony**

1. Carol Burns, 4311 Cooper Point Road NW, Olympia, WA 98502

Ms. Burns stated she lives on Green Cove Creek beyond the urban growth area almost at the point where Green Cove Creek enters Green Cove and Eld Inlet. Ms. Burns stated she was a member of the Citizens Advisory Task Force that worked on the drainage basin plan and this current proposal is designed to advance and carry out our plan and naturally she supports the amendment. Ms. Burns stated that aspects that are particularly pleasing are the tree retention and the flexible review standards. One thing that really surprised me during this process with the drainage basin task force was the solidity of the science. It is easy enough to imagine when you say don’t cut that tree or don’t fill that pond it is just some sort of major reaction but is based on some very solid science. The staff that we worked with was able to show us in very concrete terms what would happen to the creek under a variety of circumstances. Development continues at this pace and development gets controlled in other kinds of ways, the peak flows will be affected. Ms. Burns stated where she lives she can see the creek. Thurston County staff come down her driveway to monitor Green Cove Creek for water quality and for depth. Ms. Burns stated there is a depth marker and over the years she can see how after a rainstorm the water goes up well over a foot doubles in width over a short period of time and then goes back down again and this, of course, is unhealthy for the creek. As we looked at within modeled various ideas what can we do about this? Ms. Burns stated one thing that we learned is stormwater ponds do not work that well in our area because of the soils and the final thing that really surprised us is when tree retention got modeled in the computer system. Mr. Burns stated when tree retention was added to the mix the results were very dramatic so tree retention and reforestation should be very important. Mr. Burns stated when it comes to flexible review standards one thing that has always bothered me is zoning that simply describes a dwelling unit. Under many circumstances you could have a four unit townhouse that did not create anymore impervious surface or cut down any more trees than a very large single family house and they are building them very large these days with three car garages.

Ms. Burns stated the stormwater staff of Thurston County and the City of Olympia impressed her and
she thinks they know what needs to be done to work with developers who have innovated plans and innovated ways of doing things so they are not locked into incredible standards. For instance, under circumstances where someone might have to cut down trees to build a larger stormwater pond because that is what the regulations say where as in reality keeping the trees probably would do more good then the storm pond. This is what I mean when I talk about more flexibility.

Ms. Burns stated it is very unfortunate that there is no public access to most of Green Cove Creek. The area down in the canyon is very beautiful and unlike people who say they do not want other people in their backyard, I would love to let other people share in the beauty of the area where I am privileged to live. Ms. Burns extended an open invitation to everyone who would like to see the creek from where she lives.

2. **Bob Jacobs, 720 Governor Stevens Avenue SE, Olympia, WA 98501**

Mr. Jacobs requested a brief plea for truth in labeling. Mr. Jacobs believes that when something is said it should have some relationship to the facts and this is called a residential low impact development district and it is not. Mr. Jacobs stated development has all kinds of significant impacts on schools, roads, air quality etc. This plan is intended to reduce the impacts on stormwater and the environment in general to some extent. Mr. Jacobs stated this a lower impact stormwater or environmental district but is not a low impact district by any means. Mr. Jacobs stated he puts in a plea, as he did at the Olympia Planning Commission, that we use words that describe what is actually going on so as not to confuse people.

Mr. Jacobs stated the rest of his testimony could be summarized in three words “Do It Right.” Mr. Jacobs stated that he has been hoping for many years and political candidates have been promising us for many years that we can have it both ways. We can have development and we can have a healthy environment. To date it has not happened. Mr. Jacobs stated he believes this is an opportunity for us to make it happen, at least for stormwater, and he urges the Commission not to compromise and to provide extra environmental protection because once the environment is degraded it is virtually impossible to get it back.

Mr. Jacobs stated that the staff recommendations he saw at the public meeting a few weeks ago looked like staff was bending over to allow a density of four units per acre. If the density needs to be two or three units be acre so be it. Growth Management Act stresses higher density housing and also stresses environmental protection and intends for us to balance those two things. We can have very high-density housing in flat open areas that are gravelly and in an area like this, where there is a salmon stream, it is an entirely different situation.

Mr. Jacobs stated he wants to repeat with what Ms. Burns said in taking into account the entire system. Mr. Jacobs stated he started working, in some extent, with stormwater regulations about nine or ten years ago and early on the thought was we could mimic nature by taking all the stormwater and putting it into retention ponds to infiltrate into the ground. What was discovered later is that something like 50 percent of the precipitation that falls does not actually get into the ground it goes back up by evaporating off the needles of the trees. Other water is being sucked up out of the ground by the roots and is exhausted through tiny holes in the leaves and needles of the trees. Something like half of the
stormwater in a natural system is taken care of that way and so that is why it is so important to preserve large percentages of the land area in the native forest particularly in the Evergreen Forest because we need that affect going on in the winter when we have heavy rains.

Mr. Jacobs urges not to give up on the other basins. Yes the other basins are more degraded than this one but when Mr. Haub states we should allow the continued declined of the other basins, I have to ask why. Mr. Jacobs stated they are degraded to a certain point now so can’t we stop there and keep them as degraded as they are now and not let them get worse? Wouldn’t that be the right thing to do for our quality of life?

3. Chris Fuess, 1126 State Avenue NE, Olympia, WA 98506

Mr. Fuess stated he likes the part of the plan that will not have anymore impact to that area and he thinks that it is important to have all development there single units as well as multi units all taking part in making sure that the developments do not impact the area adversely. Mr. Fuess stated we should not have any more impact in that area as far as stormwater.

4. Doug DeForest, Olympia Master Builders

Mr. DeForest stated he wants to start of with a comment on impervious surface and discuss two subjects. One being the specifics of lower impact development and then more serious ramifications that deal with the Growth Management Act.

Mr. DeForest stated that the statement is made that beyond 20-25 percent of impervious surfaces, streams are often degraded and he is willing to accept that this is an accurate statement. Then they go on and make a rather interesting and curious statement that he thinks we should all think about. That is, under the existing zoning and development standards total impervious surface is expected to reach approximately 29 percent. Mr. DeForest stated if we keep on going the way we are going we got 29 percent which is only four percent more than 25 percent, I submit to you that we could reduce impervious surfaces almost by falling out of bed in the morning without going through draconian measures to do so. We can start by narrowing the roads from 18 feet to 13 feet; eliminate sidewalks on both sides etc. You can get rid of a lot of impervious surface in a great rush and you don’t need to such draconian measures.

Mr. DeForest stated a member of his association went to the City Council proposing to do a low impact development. He made an offer Mr. DeForest said could not believe. He proposed to do a low impact development and would post a 350 thousand dollar bond so that if things don’t go the right way there is money to correct it. He also offered to sign a whole harmless agreement that says if it is bad it will be his fault and not the city’s. He also stated he would take all the marketing risk in building the houses and wanted to put together a technical committee to write the technical standards, the development standards dealing with stormwater and stormwater retention and drainage and would submit the standards to the City Council for approval. Mr. DeForest stated he though that was quite an offer and the Olympia Master Builders Association whole heartily supported this man. This is also a person who has done developments in the City of Lacey and has bailed out City of Lacey on several occasions, he
fixed up the old Ruddell Road Apartments, so he is not a fly by nighter he is somebody who has been in this community with an established tract record and so far the City has totally stone walled him and our association. The city has showed no desire to work with us at all in doing a low impact development and now the city comes before you for approval. Mr. DeForest stated that maybe the Planning Commission should say put your money where you mouth is and start working with some people to figure things out.

Mr. DeForest stated we are more than discouraged by the attitude of the City in this case and by the actions of certain specific individuals who do not return telephone calls, advising us of meetings, providing us with any papers, staff reports, or anything else. Mr. DeForest stated as far as we know they are preparing it all on their own and spring it on us as one great big surprise and there is a lot at stake here because we like to do it right and we like to see what it really means to do two units per acre, four units per acre, or whatever it is. Mr. DeForest stated the city is talking about three or four units mixed use in a low impact zone. Mixed use means apartment houses of some type. Without development standards we have no idea what the cost of those units would be and we think the answer is there is no way that we would ever be able to build mixed use development with apartments or anything that anybody in this community could afford in the way of rent. It is simply to expensive but we do not know that for sure until we can sit down and have development standards to work through the process and those are the kind of things that should be resolved before we proceed with any kind of low impact development standards.

Mr. DeForest stated that depending how you calculate it for the city and urban growth area we are talking about something in the neighborhood of a loss of one thousand to three thousand housing units. The Growth Management Act is a two edge sword, it cuts both ways, and we submit to you that a plan that would eliminate one to three thousand housing units without any commensurate plan on the other side to provide that housing is not a sound plan. We further submit to you that this plan would be readily and quickly challenged at the level of the Growth Management Hearings Board. If you are eliminating one to three thousand housing units you are doing a lot to eliminate the density that the Growth Management Act calls for. Where is their plan to up zone other areas or to enlarge the urban growth boundaries? Mr. DeForest stated to put things in perspective the Olympia Master Builders build in Olympia about 250 housing units per year on the average so at one thousand we are talking about a four year supply of housing. At three thousand were talking a twelve year supply of housing. This is a major stake and I would submit to you that before you approve any type of plan of this type that you go back to staff and say you have not done your homework, you have not proved it, you have not figured out where we are going to pick up these housing units and you need to do that. Now the staff paper on this subject simply says we can absorb them someplace else. We can go to Lacey or Tumwater or north County and that is not acceptable in the Growth Management Act and Mr. DeForest stated he does believe that when this goes before the Growth Hearings Board they will find that the case.

Mr. DeForest stated that making these changes they are rendering some properties virtually useless. Mr. DeForest stated that there was a gentleman at the Olympia public hearing that had 1.8 acres and the new standards would mean he could not do anything with his property and that is a taking and a subject of legal challenge. Mr. DeForest stated we are walking into a minefield if it isn’t more carefully thought out.
Mr. DeForest stated that John Sonnen describes an idealized of the management of the urban growth area. The actual fact is that it is a no mans land and we have in the growth area a whole series of citizens with no representation. For the most part city standards apply but on the other hand the people to whom they’re applied do not have vote or the City Council who approve those standards. Mr. DeForest stated I submit to you that if this regulation goes ahead it may be the prime example that blows what is known as the Memorandum of Understanding out of the water. There is a very strong likelihood that the County will simply say the Memorandum of Understanding is no longer workable, and therefore we should pull out of the Memorandum of Understanding, which is not a legal document anyway.

Mr. DeForest stated that these are considerations he hopes are taking into account during deliberations.

5. Michael Lynch, 4230 14th Avenue NW, Olympia, WA 98502

Mr. Lynch stated he is speaking on behalf of the Cooper Point Association, which represents the people who live in the area we are talking about. Mr. Lynch urged everyone to read the cities aquatic habitat study in this area. Mr. Lynch stated it is obvious from reading that with in regard to urban growth in Thurston County, something is not working. Mr. Lynch stated the streams in the County are at serious risk and the best salmon habitat stream in this County is Green Cove Creek which is why the city’s aquatic habitat study chose it to be selected for the highest level of preservation and that is what these amendments are hear to address. Mr. Lynch stated on behalf of the people that live in the Cooper Point area he is urging the Planning Commission to recommend the alternative for RLI Single Family development. Mr. Lynch stated he understands two proposals one being for RLI Single Family and the other being RLI mixed density which would allow apartments in the Green Cove Basin. Mr. Lynch stated that he and the Cooper Point Association oppose that. Mr. Lynch stated that they believe the protection of Green Cove Creek and the quality of life in that area requires the elimination of impervious surface as much as possible in development. Mr. Lynch stated he noticed a map in the paper that talks about where aquifers may come down and wells may go dry and one of those areas was on Cooper Point. Mr. Lynch stated Cooper Point has it’s own unique aquifer which is separate from all other aquifers in the County. Mr. Lynch stated one of the concerns that should be looked at in terms of higher density development in that area is more wells because the more wells that go in the higher risk in lower the aquifer and pose a risk of saltwater into that aquifer. Mr. Lynch requested the Commissioners receive more information from staff in regards to that.

Mr. Lynch stated the proposal that is before the Commission for a Comprehensive Plan Amendment relates to the proposed district within the urban growth management boundaries. Mr. Lynch stated he would like the Commission to consider the Counties plan to protect Green Cove Creek and it’s sensitive salmon habitat beyond the urban growth boundary because Green Cove Creek goes further north into the County and at this point in time he is not aware of any proposals by the County to protect the preservation of salmon and aquatic habitat in that area.
6. Sue Gordon

Ms. Gordon stated she lives on 46th Avenue out on Cooper Point and Mr. Lynch does not represent her. Ms. Gordon stated that the cart has come before the horse. Ms. Gordon stated that if you vote on this zoning you do not know what the standards are yet because staff has not given them to us. Ms. Gordon stated that a committee has not been formed yet however a committee did meet approximately three Mondays ago with staff. Ms. Gordon stated that there are standards but she has not been given the chance to look at the standards in terms of the roads, trees, where the lights should be, and what the standards are when doing a development.

Ms. Gordon encouraged the Commission not to make a decision yet and to wait until the standards come then put the package together as a whole then look at the density and vote at that time. Ms. Gordon stated tonight is not the night to do it because you will be putting the cart before the horse and you cannot go back.

Written Comments

Written comments are attached and made part of the minutes. Please see attachments L-11, L-13 and L-14.

OLY-3, Redesignate and rezone existing Community Retail District on Mud Bay Road to a more appropriate use district.

Public Testimony

1. Ron Krause, 3447 Mud Bay Road, Olympia, WA 98502

Mr. Krause stated he purchased this property about 15 years ago and since then he has been taking care of it faithfully. Mr. Krause stated he has one major criticism of this process and that he is one of the three businesses being considered conformed or non-conformed. Mr. Krause stated he discovered a couple weeks ago that he may not own commercial property anymore and had no idea anything was even happening and he was also unaware that area was down to small little areas of commercial property. Mr. Krause stated that somewhere in this process the County never informed him that this was happening around him as he lived and worked there.

Mr. Krause stated he is not necessarily opposing anything and he is happy to hear he will be a conformed non-conformed business and he does not exactly know what that means yet or if all the criteria will remain exactly the same. Mr. Krause asks and hopes that even though he is being told the zoning is not much different there are a lot of businesses that are conformed and non-conformed now and if the building sizes are substantially different in size he finds it hard to believe that his property is going to be as valuable when this process is over as it is today. Mr. Krause is hoping that the Assessor will take care of that problem and reflect that devaluation and down zoning and hopefully his property taxes will also reflect.
Chair Bower suggested to Mr. Krause that he contact John Sonnen to go over conforming and non-conforming uses so he can get all of his questions answered before the Board holds their public hearing.

2. **Mick Phyllips, 926 24th Way SW, Olympia, WA 98502**

Mr. Phillips stated that the Commission has a letter from Lars Wulff and Marissa Wulff, owners of Mud Bay Granary. The Wulff’s want to relocate the Granary to the CMR district but would be impeded by the PO/RM proposal, which limits businesses like this to 4,000 square feet. Mr. Phillips stated that he has been talking with Cathy McCormick on how to resolve this and he has probably three solutions. Solution one is leave the zoning as CMR as it may be inconvenient for staff it isn’t inconvenient or troublesome for the people who own or buy the problem. The second solution being that if the change is made from the Wulff family perspective a good change would be to add pet food and supplies as a permitted use. The third alternative, if the zoning is to be changed from CMR to PORM, is to increase the size of the specialty stores that are allowed. If it is a specialty store to ten thousand feet then that would probably cure it. The Wulff family needs to replace their facility and they need ten thousand plus feet so the most flexibility they could get is if pet food and supplies are made one of the permit uses if you change it to CMR.

*Written Comments*

Written comments are attached and made part of the minutes. Please see attachment L-15.

Chair Bower closed the public hearing at 8:25 p.m.

3. **Planning Commission Worksession**

Mark Cook, Thurston County Storm and Surface Water Program Manager and Andy Haub from City of Olympia provided a brief history on the Green Cove Creek Drainage Basin. Prior to the presentation, Mr. Cook complimented Commissioner Lyman on her summary on the residential low impact development district for the Green Cove Creek drainage basin. Mr. Cook stated Commissioner Lyman’s summary was well done and accurate.

During the presentation, Mr. Cook addressed bank flow control and how flow control is calibrated, drainage design standards, and the preservation of Green Cove Creek and it’s aquatic habitat. Mr. Cook also addressed performance standards.

A lengthy discussion followed with the Commission asking questions and expressing concerns regarding interim drainage standards dictating density, difference between basin design for low impact development versus existing, action if the adaptive management does not meet standards that are set, possibility of development standards enhancing or working with the environment so the effect on the environment is not as great, other ways of treatment, impact of conventional stormwater detention pond versus disperse infiltration on overall performance of the stormwater system, and connection to City utilities.
OLY-3. Redesignate and rezone existing Community Retail District on Mud Bay Road to more appropriate use district.

Chair Bower stated the Olympia Planning Commission is considering some changes to the CRP proposal, which they will be taking action on April 9, 2001. Chair Bower stated that staff will answer the questions that were raised and provide the Commission with a staff analysis and staff recommendation to discuss at a future worksession. Chair Bower asked if the Commission has anymore questions to pose to staff on the CRP proposal. Commission had no further questions.

OLY-1. Update Parks and Open Space chapter (Chapter 7) in the Comprehensive Plan for Olympia and Olympia Growth Area.

A fourth revision on the Olympia Parks Plan was provided to the Commission. Chair Bower stated that staff has not had a chance to look at the Olympia Parks Plan and the changes that are included in the revision. Chair Bower proposed to allow staff to address the questions and issues raised and to take an opportunity to review the revised proposal, which will be discussed at a future worksession. Chair Bower asked the Commission if they had anymore questions on this proposal.

Commissioner Paradise asked if the people in the urban growth area fund the parks, is there assurance from the City of Olympia that the money will be spent on parks in the urban growth area?

Commissioner Reiner stated that several people in the audience mentioned the issue of security when it comes to the trails and asked if liability comes into play because of the increase in the number of trail?

Chair Bower asked who is responsible for providing for wildlife?

Commissioner Lovrien expressed a concern with the City of Olympia collecting money from Thurston County residents for pocket parks when there is a regional need.
Commissioner Smith expressed a concern with County residents not having a voice in the City Council by vote and being taxed by a jurisdiction they have no vote in. Commissioner Smith also expressed a concern regarding an alternative to an impact fee.

Jeff Fancher, Deputy Prosecuting Attorney provided clarification by stating the City cannot charge impact fees on development outside of the City and the impact fee provisions of the RCW only allow the County to charge impact fees for a problem associated with that development and the fix would have to be related to that development and done within six years. Mr. Fancher stated that if the County collected impact fees the County would have to use the money within the urban growth area and they would have to do so within six years or refund the money with interest to the individuals that paid the impact fees.

Commissioner Smith asked Mr. Fancher if there were other ways of collecting impact fees? Mr. Fancher responded by stating we currently collect fees through SEPA mitigation. Mr. Fancher stated there are other ways as well.
Commission had no further questions.

Mr. Sonnen stated that the fourth draft of the Parks and Recreation chapter is a draft product of the Olympia Planning Commission based upon the input they received in the course of their hearing and staff comments.

Mr. Sonnen stated one of the changes, relative to impact fees, is that the City accepted the County staff alternative language, which eliminated the request for legislative authority to impose impact fees within the growth area, and suggested we seek some equitable solution in providing for parks in the Olympia Growth Area. Mr. Sonnen stated that all their proposed amendments to the public hearing draft that the Commission received testimony on are in dark shading.

Mr. Sonnen stated that this draft was made available to us today and is being distributed to the Olympia Planning Commission. Mr. Sonnen asked the Commission to take this draft into consideration when deliberating and to consider this as another comment.

**OLY-2, Green Cove Creek: Create policies for low impact development and habitat preservation, and amend land use designations and zoning in the Green Cove Creek Basin.**

Chair Bower asked the Commission if they had questions on this proposal.

Commissioner Paradise asked Jeff Fancher about this proposal on the compliance to the Growth Management Act.

Commissioner Lyman also asked if it was permissible under the Growth Management Act to reduce the density to the extent that the proposal is not consistent with urban density provisions.

Mr. Knostman stated that the County is in the process of doing the buildable lands, which will be completed next year. Mr. Knostman stated the County will be amending the Comprehensive plans in 2003 or 2004 and this an opportunity to look at the whole issue of where the population should shift, if there is a need to. Mr. Knostman stated that this an interim standard for the Green Cove Creek regarding transfer of population. Mr. Knostman stated that with the buildable lands we will know how much land is available and what density should be developed to meet the population that OFM has established for the County.

Commissioner Lovrien expressed a concern regarding the dispersal of the population.

Mr. Knostman used a large map to identify the areas in the Green Cove Creek Basin. Mr. Knostman stated that there are not that many large parcels where the new standards would come into play. A discussion followed.

Chair Bower stated that staff will address the questions and issues raised during a future work session.

4. **Planning Commission and Staff Updates**
None

5. **Approval of Minutes: March 21, 2001**

Commissioner Lyman moved, seconded by Commissioner Reiner to approve the minutes for March 21, 2001. Motion carried.

6. **Calendar (Tentative)**

The next Planning Commission meeting/public hearing is scheduled for April 18, 2001.

7. **Adjourn**

The meeting adjourned at 9:50 p.m.

________________________________________
Bob Bower, Chair
### Thurston County Planning Commission

#### REQUEST FOR INFORMATION

<table>
<thead>
<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/24/01</td>
<td>What percentage of SEPA projects were in the UGA last year?</td>
<td>Bower</td>
</tr>
<tr>
<td>04/04/01</td>
<td>Copy of citation quoted by Andy Haub from the Dept. of Ecology’s new stormwater manual.</td>
<td>Bower</td>
</tr>
</tbody>
</table>