MINUTES - Regular Meeting

Thurston County Planning Commission
Wednesday, May 16, 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 7:05 p.m.

   a. Attendance

      Members Present: Bob Bower, Liz Lyman, Janet Reiner, Thomas Smith, Brian Fagernes, and Barbara Frost

      Members Absent: Tom Cole, Peggy Paradise, and Mark Lovrien

      Staff Present: Jennifer Hayes, Fred Knostman, John Sonnen and Sandy Norton

      Guests: Andy Haub, City of Olympia and Scott Clark, Water and Waste Management

   b. Approval of Agenda

      The agenda was approved as submitted.

   c. Approval of Minutes

      Commissioner Lyman suggested the following changes:

      Page 4, section C, paragraph 2, third sentence, comment made by Andy Haub, to read “The buffer should be at least 30 meters wide along the length of the creek.”

      Page 6, paragraph 1, second sentence, should say “One of the issues she explored was the concern raised by a member of the public who testified and Commissioner Reiner as to whether low impact development can be justified when there is only a minor reduction in impervious area from the 29% under current development standards.”

      Page 7, paragraph 1, place a period after future monies, and delete the remainder of the sentence. Change the wording following that to state “Commissioner Lyman asked that the county consider purchasing development rights. Commissioner Paradise agreed that that option be explored.

      Page 8, second paragraph from the bottom, third sentence, should say “The low infiltration soil underlying most of Green Cove Creek Basin compromises the effectiveness of traditional BMP’s
based on retention and infiltration.”

The word for on Page 8, last paragraph, sentence 1, should be changed to from. The sentence should read “Commission Lyman stated Dr. May also stated that chemical contaminants such as pesticides, herbicides, and hydrocarbons, should be annually obtained and analyzed from sediment samples from the lowest part of the creek.”

Page 3, paragraph 1, sentence 1, Commissioner Lyman felt that Commissioner Paaradise was concerned about the environmental impact of the increase in density on the watershed. Commissioner Lyman suggested that paragraph 1, sentence 1, be changed to “Commissioner Paradise expressed a concern about the environmental impact on the watershed of the increase in density from the 2-3 units per acre in the original proposal to the 4-6 units per acre recommended by the Olympia Planning Commission.

Page 5, paragraph 3, Commissioner Lyman thought Commissioner Cole was concerned about the lack of remediation of existing problems. Commission Bower agreed. Paragraph 3 was changed to “Commissioner Cole expressed a concern about the lack of remediation of existing problems.”

**Commissioner Reiner moved seconded by Commissioner Lyman to approve the minutes for May 2, 2001 as amended. Motion carried.**

2. **Public Communications**

None.

3. **Briefing/Set Hearing: Open Space-Open Space Tax Program Applications**

Ms. Hayes provided a brief introduction to the Open Space Tax Program. Ms. Hayes referred the Commission to the Open Space Tax Program Fact Sheet, which was made part of the Commission mailing.

Ms. Hayes stated that this program is an incentive-based program that provides property tax reductions to people who agree to maintain and protect natural resources. The Open Space Program provides three classifications. The classifications are as follows:

1. Open Space Timber – These types of application go directly to the Board.
2. Open Space Agriculture – This type of application is handled by the Assessor’s Office.
3. Open Space/Open Space – This type of application is reviewed by the Planning Commission for recommendation to the Board.

Ms. Hayes stated that there were three applications submitted for the open space classification. The applications and staff report for each proposal were made part of the Commission mailing.
Ms. Hayes provided a brief background by stating that eligible properties for this classification have to meet the definition of open space under state law and County ordinance. The County scores the properties by using a public benefit rating system. The property is looked at for what natural resource values it may have (e.g. wetlands, significant wildlife habitat, etc.).

Ms. Hayes spoke briefly on the background of each Open Space application, the public benefit rating, and staff recommendations. The three Open Space applications submitted are from the following applicants:

1. Applicant – Sunrise Ranch, LLC (Jeff LaBreck), property located at Flapjack Point, Eld Inlet (3450 Gravelly Beach Loop NW), 5.15 acres proposed to be put into the program.

2. Applicant – Jeffrey Wade Miller, property located in Rochester, west of Unicorn Street SW, on the Black River, 57.32 acres proposed to be put into the program.

   Ms. Hayes handed out a Habitat Management Plan from Debbie D. Carnevali, Area Habitat Biologist, Washington State Department of Fish and Wildlife for this property. The Plan addresses the priority habitats, priority species, and management recommendations.

3. Applicant – George and Marcia Brown, property located on Henderson Inlet off of Sleepy Hollow Lane/Johnson Point Road, 31.29 acres proposed to be put into the program.

   Ms. Hayes handed out a Conservation Proposal from the Browns.

   Ms. Hayes handed out a letter from Erick Erler, Capitol Land Trust, attesting that the Browns are in process of developing a conservation easement. Ms. Hayes stated that once the easement is final the Browns would qualify for a 90 percent reduction in fair market value under the program.

   Ms. Hayes also handed out a Geologic Assessment from Joe Dragovich, Geologist. Mr. Dragovich provides his scientific findings of the Brown property, attesting to the uniqueness of the estuary found on site.

A discussion followed on the penalties for withdrawal or removal from the program. Ms. Hayes stated that when properties are sold or transferred the buyer has the option of signing a “Notice of Continuance” to keep the property in the program, maintaining the property the same way the previous owner maintained the property to get the same reduction. If the buyer is not interested in signing the Notice of Continuance, the seller is responsible for paying back taxes at the time sale.

Commissioner Frost asked about the points given to applicants who state they will provide public
access to their property, asking how this is monitored. Ms. Hayes said that these points are assigned based on the good faith statement by the applicant, and that there is no monitoring program in place to ensure access is provided. The Planning Commission discussed monitoring of the properties once they are in the program. Ms. Hayes stated that the County does not have a monitoring program, but that the Assessor periodically checks on property to ensure compliance, and that the County follows up on complaints by neighbors.

Commissioner Reiner moved seconded by Commissioner Smith to set a public hearing on three applications to the Open Space-Open Space Tax Program for June 6, 2001. The public hearing will be held at the Thurston County Courthouse, Bldg. 1, Room 152 beginning at 7:00 p.m. The three application proposals are as follows:

- **Applicant – Sunrise Ranch, LLC (Jeff LaBreck), property located at Flapjack Point, Eld Inlet (3450 Gravelly Beach Loop NW), 5.15 acres proposed to be put into the program.**

- **Applicant – Jeffrey Wade Miller, property located in Rochester, west of Unicorn Street SW, on the Black River, 57.32 acres proposed to be put into the program.**

- **Applicant – George and Marcia Brown, property located on Henderson Inlet off of Sleepy Hollow Lane/Johnson Point Road, 31.29 acres proposed to be put into the program.**

Motion carried.

4. **Worksession: Feedback on 2001 Preliminary Docket of Development Regulation Amendment Proposals**

Ms. Hayes stated that the Preliminary Docket was passed out at the May 2, 2001 meeting and the public comment period ends on May 20, 2001. A briefing is set before the Board of County Commissioners for late June. At that time, the Board will take in the public comment on the proposals and make an Official Docket. Ms. Hayes asked the Commission if they had any feedback on the Preliminary Docket. The Commission provided no feedback.

5. **Worksession: 2001 Comprehensive Plan Amendment Proposals**

OLY-2, Green Cove Creek Basin policies and land use designations providing for low impact development.

John Sonnen stated that he and Andy Haub will be responding to the issues/questions/additional information the Commission expressed at the May 2, 2001 meeting. Mr. Sonnen also stated that Scott Clark, Water and Waste Management, has further information about the possibility of collecting a stormwater fee to help provide for remedial action on existing failing stormwater
Mr. Haub handed out three items and spoke briefly on each item.

a) Green Cove Creek Basin Watershed Quality and land-use table. Mr. Haub outlined each Watershed Quality Indices in the table. He noted that the table is based on four units per acre. Mr. Haub stated that staff are once again recommending the original proposal of 2-4 units per acre, based on the most recent legal advise.

b) Three Graphs identifying 36th Avenue Bankful Events, Average Annual Hours Flow Exceeds Bankful Flow, and the Flow Frequency at 36th Avenue.

c) City of Olympia Science Team, Proposed Low-Impact Development Standards Meeting Summary Comment Draft dated May 12, 2001. The Draft provides a background and responses to six questions that were asked of the Science Team.

A discussion followed.

**Commissioner Paradise request on Buffer Widths**

Mr. Sonnen responded to Commissioner Paradise request on buffer widths. Mr. Sonnen handed out a map depicting the buffer widths. The light area depicts a 200-foot stream buffer, 100 feet on each side of the creek. The creek is represented by a black line within the light shaded area. The dark shaded areas on the map represent wetlands and their associated buffers.

Mr. Sonnen stated that there are a few encroachments into the buffers by existing developments along the creek. Any new developments would have to abide by the current regulations and not encroach within the required buffer.

Mr. Sonnen used an updated aerial photograph of the Green Cove Creek Basin area dated May 2001 to identify the buffers and the UGA boundary lines.

Mr. Sonnen stated that the research that Mr. Haub cited indicates that a 100-foot buffer can somewhat mitigate impacts of surrounding development on the creek. There is at least a 300-foot wide buffer along most of the creek. Mr. Sonnen stated you could have a substantial encroachment within that buffer without having a significant impact on the creek, based upon the studies.

Commissioner Bower expressed a concern with the parcels that are entirely consumed with the buffer. A discussion followed.

**Commissioner Bower question regarding Department of Natural Resources (DNR)**
Mr. Sonnen responded to Commissioner Bower’s question as to whether or not DNR could establish a restriction on the amount of timber removed as part of forest practices in the basin, particularly outside of the Urban Growth Area.

Mr. Sonnen stated that every watershed in the state is identified and prioritized for study by the state. The ones with the most sensitive resources would get the highest priority for initial review. The DNR regional office deals with everything from roughly the Cowlitz River up to the Nisqually River. Mr. Sonnen stated that Green Cove Creek basin, which is part of the larger watershed including most of the north county growth area, is fairly low on DNR’s priority list.

Mr. Sonnen stated that DNR is primarily concerned with streams that are bounded by lands that are subject to significant forest harvest. The watershed plans identify how those particular practices could be damaging to the streams in terms of road building, potential slope failures etc. These are then addressed by “prescriptive actions” that are developed by a team of scientists.

Mr. Sonnen stated that the DNR people he has spoken to have made it clear that outside of the Urban Growth Areas they are supportive and protective of forest practices and they want those to continue in a responsible way. They would take a hard look at the notion of a 50 percent tree retention requirement. It would have to be scientifically based before they would make that kind of restriction.

A discussion followed.

Land left to develop in the County

Mr. Sonnen addressed the question regarding a more defined figure on how much land there is to develop in the County.

Mr. Knostman stated that both he and Mr. Haub made calculations and derived at about the same answer, which is approximately 200 acres in the unincorporated Urban Growth Area.

A discussion followed.

Assessing Fees on Existing Developments to Remediate Existing Stormwater Problems

Scott Clark, Water and Waste Management, spoke briefly on assessing fees on existing developments to remediate existing stormwater problems. Mr. Clark stated that it is possible to assess a fee, they have done it before, but they would have to be project specific and the County would have to demonstrate, per property, the benefit. A legal review would also be required. Green
Cove is already in the stormwater utility rates boundary. The Urban Growth Area already pays a 91 percent surcharge above what a property would that is outside the Urban Growth Area. That surcharge is for CFP projects.

Mr. Clark stated that two CFP projects and six retrofit projects have been identified for the Green Cove Creek Basin. These are directed at habitat and/or flooding. Mr. Clark stated that we currently have two projects on our current six year CFP for the Green Cove Basin and he is forwarding the six retrofit projects to the Storm and Surface Water Advisory Board for scoping authorization. At that time, a preliminary design scope would be done to determine what it would take to implement those projects.

Mr. Clark stated that his recommendation is that the Planning Commission not pursue a special tax district because it is not needed in the Green Cove area.

Mr. Sonnen handed out an email from Commissioner Lyman to Mr. Sonnen regarding Green Cove Creek. The email included a list of questions from Commissioner Bower and Commissioner Lyman and the answers to those questions from staff and Mr. Haub.

A lengthy discussion followed.


**Preliminary Draft Letter - 2001 Comprehensive Plan Amendment Proposals**

Commissioner Bower referred the Commission to the Preliminary Draft letter to the Board of County Commissioners on the 2001 Comprehensive Plan Amendment Proposals, which was made part of the Commission mailing. Commissioner Bower asked the Commission if any changes/additions need to be made.

Commissioner Lyman referred the Commission to page 2, second paragraph from the bottom, for clarification on the dissent of Commissioner Reiner. Commissioner Lyman stated that Commissioner Reiner had said that the lowering the threshold for SEPA would be a financial hardship on small developers and landowners. Commissioner Lyman asked for clarification on page 2, third paragraph from the bottom of the page. Commissioner Bower suggested that clarification be added regarding open space requirements for multifamily housing. Chair Bower also suggested that open space in multifamily housing projects be addressed as a future work item.

6. **Planning Commission and Staff Updates**
Ms. Hayes outlined the proposed agenda and invitation she developed for the Joint Planning Commission meeting, hosted by Thurston County Planning Commissioners, scheduled for June 19, 2001, beginning at 7:00 p.m., Thurston County Courthouse, Bldg. #1, Room 152. Doug Hurley, Governor’s Blue Ribbon Commission, will be speaking on Transportation. The Commissioners approved the agenda and Vice Chair Lyman agreed to host the meeting.

Ms. Hayes stated the Tumwater Planning Commission is holding a public hearing on the Shoreline Master Program and how the City of Tumwater wants to proceed. The public hearing is scheduled for May 22, 2001, Tumwater City Hall, beginning at 7:00 p.m.

7. **Calendar (Tentative)**

“Special Meeting” to discuss final recommendations to the Board on the Green Cove Creek proposal is scheduled for May 30, 2001.

The next regular Planning Commission meeting is scheduled for June 6, 2001.

8. **Adjourn**

The meeting adjourned at 9:50 p.m.

Bob Bower, Chair
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<th>DATE OF REQUEST</th>
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<tr>
<td>01/24/01</td>
<td>What percentage of SEPA projects were in the UGA last year?</td>
<td>Bower</td>
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<td>04/18/01</td>
<td>How much money are the cities paying to the County for Parks?</td>
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