MINUTES - Regular Meeting

Thurston County Planning Commission
Wednesday, June 6, 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, Tom Cole, Liz Lyman, Peggy Paradise, Thomas Smith, Mark Lovrien, Brian Fagernes and Barbara Frost

      Members Absent: Janet Reiner

      Staff Present: Jennifer Hayes, Fred Knostman, Jeff Fancher, and Sandy Norton

   b. Approval of Agenda

      Chair Bower requested adding the following to item #5, Planning Commission and staff updates:
      a. Low impact development conference update by Commissioner Paradise
      b. Update on Green Cove by Commissioners Bower and Lyman

      Commissioner Cole moved, seconded by Commissioner Paradise to approve the agenda as amended. Motion carried.

2. Public Hearing: Open Space-Open Space Tax Program Applications

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

   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.

   Don Crider, 5725 Johnson Point Road NE, Olympia, WA 98516

   Mr. Crider stated he was happy to see the idea of open space. Mr. Crider stated that there is an access road to his property that is within the open space. This access road is the only access to 5725 and 5703 Johnson Point Road NE. Mr. Crider found no records of the easement but it has been there since the County changed the grading of the road many years ago. Mr. Crider restated that the
An easement is his driveway and it is very important to him.

Eric Erler (Capitol Land Trust) 209 East 4th Avenue #205, Olympia, WA 98501

Mr. Erler stated he was the Director of Capitol Land Trust and he is working with George and Marcia Brown on the conservation easement. Mr. Erler stated that Mr. Crider’s concern regarding the land trust is a non-concern in that the part of the property that his driveway crosses is a very minor corner of the property. If there were any concerns at all it would be with the Brown’s in terms of legal ownership of the property. In terms in the impact on conservation values that we are seeking to protect on the Browns property, it is not a concern.

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.

No Public Comment

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.

No Public Comment

Chair Bower closed the public hearing at 7:08 p.m.

3. Worksession/Action: Open Space-Open Space Tax Program Applications

Case CUSE 010270, 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.

Commission was in agreement to approve this application.

Case CUSE 010349, 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.

Commission was in agreement to approve this application.

Case CUSE 010365, 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.

Commissioner Cole asked about the condition of the applicant to place a conservation easement on the property.
Ms. Hayes stated that the easement is in process and placing a conservation easement on a piece of property takes several months to accomplish. The approval may be conditioned on the fulfillment of placing a conservation easement on the property when it goes into the tax program. Ms. Hayes also stated that the property would be eligible for the program without the easement. If the easement did not occur the proposal could come before the Planning Commission again for approval of a 70 percent reduction.

Commissioner Frost expressed a concern regarding the easement and the possibility of driveway access being taken away from the neighboring property owner and what would happen if the property changed ownership without an agreement of the easement.

Ms. Hayes stated that this is a problem that exists regardless of the tax or easement status of the property. There is a driveway going through the Brown’s property providing access to Crider’s property and it would be wise for the property owners to discuss this issue and possibly even record an easement for that driveway. Ms. Hayes also stated that the easement is a minor portion of the property and does not affect its eligibility for the tax program.

**Commissioner Frost moved seconded by Commissioner Smith to recommend approval of the following applications to the Open Space-Open Space Tax Program:**

- **Applicant – Sunrise Ranch, LLC (Jeff LaBreck), property located at Flapjack Point, Eld Inlet (3450 Gravelly Beach Loop NW), to place 5.15 of 6.17 total acres into the program with a 70 percent reduction in market value with an estimated tax shift of $1981.00.**

- **Applicant – Jeffrey Wade Miller, property located in Rochester, west of Unicorn Street SW, on the Black River. Reclassification from the Open Space-Agriculture program to place 57.32 of 82.32 total acres in the Open Space-Open Space Tax Program with a 70 percent reduction in market value with an estimated tax shift of $810.00.**

- **Applicant – George and Marcia Brown, property located on Henderson Inlet off of Sleepy Hollow Lane/Johnson Point Road, to place 31.29 of 36.29 total acres into the program with a 90 percent reduction in market value and an estimated tax shift of $3982.00 conditioned upon completion of a conservation easement.**

**Motion Carried.**

4. **Discussion: Appearance of Fairness Doctrine**

Jeff Fancher, Thurston County Deputy Prosecuting Attorney, spoke briefly on the Appearance of Fairness Doctrine and the issues surrounding conflicts of interest, ex parte communication, and fairness during review of quasi-judicial and legislative amendment proposals. Mr. Fancher referred
the Commission to the June 4, 1997 Memorandum from Jeffrey Myers (located in the TCPC reference notebook). Mr. Fancher stated that nothing has changed since this memo was written. Mr. Fancher referenced Chapter 42.36 RCW, Appearance of Fairness Doctrine – Limitations. Both the memorandum and RCW is included in the reference notebook that each Commission member currently has.

Mr. Fancher stated that Appearance of Fairness doctrine becomes effective when a quasi-judicial decision is pending before the Planning Commission. Mr. Fancher also stated that the doctrine does not apply to legislative matters.

A discussion followed.

Mr. Fancher stated he is available to answer questions or to make a decision anytime a Commissioner becomes uncomfortable and is not sure if the Appearance of Fairness doctrine would be violated.

5. **Planning Commission and Staff Updates**

*Emergency Interim Zoning*

Mr. Knostman stated that on Monday June 4, 2001 the Board of County Commissioners adopted an emergency interim zoning ordinance for the property on the south side of 79th Avenue SE and east of Old Highway 99. This is a project that is within the Tumwater Urban Growth Area and zoned Multi-Family Medium Density Residential District with a density of 9 dwelling units per acre and a maximum density of 15 dwelling units per acre. In order to meet the minimum density requirements the Applicant had to propose multi-family as part of the project. The community surrounding the project was opposed to multi-family housing. The Applicant was also not interested in building apartments. The Hearing Examiner approved the project and it was appealed to the Board. The Board upheld the Hearing Examiner’s approval of the project, which included the multi-family. The Board then adopted an emergency interim ordinance reducing the zoning for the entire site to six to nine dwelling units per acre which would then allow the Applicant to come back and amend the plat to create 42 single family lots instead of the 102 multi-family units. A public hearing has been scheduled for July 16, 2001 at 6:00 p.m.

*Public Hearing on Comprehensive Plan Amendments*

Mr. Knostman stated that the public hearing on the Comprehensive Plan Amendments is scheduled for July 16, 2001 at 6:30 p.m.

*Low Impact Development Conference*
Commissioner Paradise spoke briefly on the Low Impact Development of Puget Sound Conference she attended. The conference was sponsored by the Puget Sound Water Quality Action Team, City of Olympia, Island County, Kitsap County, and the Master Builders Association of King and Snohomish Counties. Commissioner Paradise stated she attended the presentations on Implementation at the Local Level. Commissioner Paradise spoke briefly about the “Built Green” program and provided each Commissioner with a handout explaining more about the program. Commissioner Paradise stated it was a great conference and recommends others to attend next year.

Board Briefing on 2001 Comprehensive Plan Amendment Proposals

Commissioner Bower provided an update on the Board briefing he and Commissioner Lyman attended on June 5, 2001. Commissioner Bower stated that the CMR rezone proposal (Phyls Furniture on the westside) may be coming back to the Planning Commission because the City of Olympia did not pass the proposal to include them in the new zoning to become a conforming use.

Parks Plan – Commissioner Bower stated that there was not a lot of time for discussion because the Board had questions regarding parks, providing parks, funding etc.

Green Cove – Commissioner Bower stated that staff had four minutes and that did not allow enough time to discuss Green Cove. Fred Knostman will be arranging another briefing with the Board to allow time to discuss the Parks Plan and Green Cove in more depth.

Commissioner Bower stated that the issue was raised regarding the reestablishment of the 12-inch culvert under Mud Bay Road. The Commission was told that with the reestablishment of the culvert the historic water flows had been restored. Commissioner Bower stated that there is now a question regarding that. Apparently, the City of Olympia has the ability to control water leaving Yauger Park and in the winter when Yauger Park floods, as it is designed to, the City of Olympia can determine the level of water before it is released from Yauger Park. Apparently, that level backs the water up beyond the culvert and back into Green Cove. Commissioner Bower stated that this is an issue that was not made clear to the Commission and this was a question presented to staff, which needs further analysis.

Regional Planning Commission Meeting

Chair Bower inquired as to the number of people attending the regional Planning Commission meeting scheduled for June 19, 2001. Ms. Hayes stated that the RSVP closing date is June 11th and currently the response has not been overwhelming. Ms. Hayes stated she would notify Chair Bower if the attendance count remains low. Mr. Knostman stated he would contact the Planning Directors.

Planning Commissions Actions on Green Cove
Chair Bower spoke briefly regarding the May 30, 2001 Planning Commission special meeting and the process used to create the Planning Commission recommendation to the Board of County Commissioners to down zone the Green Cove Creek Basin area.

6. **Calendar (Tentative)**

Commission agreed to cancel the June 20, 2001 regular scheduled meeting due to a lack of agenda items.

The July 4, 2001 regular scheduled meeting is cancelled due to a holiday.

The next regular Planning Commission meeting is scheduled for July 18, 2001.

7. **Adjourn**

The meeting adjourned at 8:50 p.m.

Bob Bower, Chair
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<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</th>
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<tbody>
<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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<tr>
<td>04/18/01</td>
<td>How much money are the cities paying to the County for Parks?</td>
<td>Bower</td>
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<tr>
<td>06/06/01</td>
<td>Is a Planning Commissioner prohibited to testify as a member of the public on issues before the Commission if they are not acting as a member of the Planning Commission?</td>
<td>Lyman</td>
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