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, Janet Reiner, Peggy Paradise, and Mark Lovrien

Members Absent: Thomas Smith, Barbara Frost, and Brian Fagernes

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

Guests: Beverly Wilson and Elaine Taylor, Department of Social and Health Services

b. Approval of Agenda

The agenda was approved as submitted.

c. Approval of Minutes

Commissioner Cole moved seconded by Commissioner Reiner to approve the minutes for October 17, 2001. Motion carried.

2. Public Communications

None.


Drafts of proposed code amendments pertaining to sex offender housing (less restrictive alternative housing) a new junk vehicle definition, and revised maps and text pertaining to setback/yard requirements were made part of the Commission mailing. Staff and Commission discussion of each topic is as follows:
Less Restrictive Alternative Housing (white)

This proposed amendment is to the Thurston County Zoning code and the Lacey, Tumwater, and Olympia Urban Growth Area codes.

John Sonnen provided a brief background of the proposed amendment. Mr. Sonnen stated that the Board adopted in August a requirement that less restrictive alternative housing for sex offenders would be designated as an essential public facility, which requires a Special Use Permit and a public hearing. Subsequent to this, and as part of this year’s docketing, the Board directed staff and the Commission to develop more specific standards that build upon the work last year and also the states sited criteria for less restrictive alternative housing, which was approved last November. Mr. Sonnen stated that in the meantime the state adopted Senate Bill 6151 which codifies a lot of siting criteria contained in the final regulations developed last fall. It also calls for equitable distribution of these facilities throughout the state. The Department of Health and social services then developed a allocation formula of these facilities to identify the number of people committed to the existing Special Commitment Center on McNeil Island that would be released to a less restrictive environment over the next several years.

Mr. Sonnen stated that the Senate Bill was passed in June. The Board was briefed September 24, 2001. At that time, the public came to understand the requirement that the County was under an obligation to identify alternative sites and that the state would subsequently approve a site for this type of facility. The Board did not want to be placed in a position to identify the site so they indicated on the record they would not comply with that siting request. A meeting was held November 5, 2001 with County Commissioners from other counties and some state legislators. They came to the conclusion that they would seek legislative amendments to the regulations to come up with another way of addressing this issue that did not result in so many facilities scattered in places where the community would be at potential risk.

Mr. Sonnen stated that because the County has identified these facilities as essential public facilities, the County could not preclude the siting of these facilities in the County. Unless the state decides to preempt local land use control, any site either identified by the County or identified by the state would have to go through the County's Special Use Permit process and be subject to the criteria that is in place. As an insurance measure in the event the sate laws are not changed, this project is important to provide more specific standards that would better protect the residence of the County.

Mr. Sonnen stated that at the November 5, 2001 meeting, several comments were made relevant to the draft standards, which is dated October 30, 2001 and made part of the Commission mailing. Mr. Sonnen introduced Beverly Wilson and Elaine Taylor from Washington State Department of Social and Health Services and stated that they reviewed the draft and offered comments for the Commissions consideration. He indicated that they were available to answer questions. Mr. Sonnen handed out a November 7, 2001 revised draft of possible revisions for the Commission to consider Mr. Sonnen stated that the revised draft is identical to the October 30, 2001 draft with the possible
Mr. Sonnen introduced each of the proposed changes giving the Commission an opportunity to comment after each introduction.

Mr. Sonnen stated that minor changes were made on page 1 and 2. Page 1, last paragraph, a change was made to update the new material to reflect the new RCW 71.09 amendments. Page 2, third paragraph, the underline additions reflect the criteria codified in the RCW. In the last sentence of the same paragraph the state would establish policy guidelines.

Mr. Sonnen stated that on page 3, c 1, the state is requiring the County to establish a minimum of a three bed facility. At the Planning Commission’s invitation, Ms. Wilson (DSHS) explained that over time there may be a need for additional beds in various jurisdictions. It may be in the County's best interest to add those beds to an existing facility rather than site another three beds in a separate facility. As a result, Ms. Wilson recommended eliminating the provision.

Mr. Cole asked where the budget is coming from. Ms. Wilson stated that the budget would come out of the DSHS budget and that this is a civil commitment mental health treatment program and to be constitutional it needs to be separate from criminal justice. Ms. Wilson added that the siting responsibility is shared with the local jurisdiction but the construction and operation is a state fiscal responsibility.

Ms. Lyman asked what the maximum number of beds was. Ms. Wilson stated that when the senate bill passed it required DSHS to project how many additional beds would be needed between 2004 - 2007. DSHS then did a state wide projection using as much information as they could. The Bill then stated that each County needed to be notified of their share of those people. This is based on the formula that goes back to the April 1, 2001 census at the Special Commitment Center. A discussion followed.

Commission Reiner asked Ms. Wilson about recidivism and release of repeat offenders. Ms. Wilson stated that there is a lot of research on studies on recidivism and sex offenders in general. There has not been any recidivism by people coming out of special commitment centers from the state. Currently six people live in less restrictive alternative placements. Three are in their own family settings. Their family members provide the supervision and are on home electronic monitoring, with very limited supervision by the state. None of these three have re-offended. The other three are in a facility environment with two of those people with developmental disabilities but were still committed through the special commitment center. Ms. Wilson stated that what is being proposed is that people in this program will be involved in very significant treatment both in the program, inside the facility, and in the community.

Commissioner Paradise asked Ms. Wilson about the difference in cost of having these offenders in the community vs. in a facility. Ms. Wilson stated that it is very significant. Ms. Wilson stated she
would provide figures of DOC's supervision.

Mr. Sonnen pointed out that at the Boards public meeting on November 5, testimony indicated that the sex offenders would reoffend if given the opportunity. Clearly, these are high-risk people who pose public safety risks, otherwise the state would not go to these extreme measures to avoid releasing them.

Mr. Sonnen highlighted the proposed change on page 3, c 2, Separation of uses. When the state initiated their committee process to identify site criteria they used Thurston County as example. The committee took into consideration the need to separate secure community transition facilities from vulnerable populations like schools and daycare's and the need for quick police response. The state has acknowledged the importance of having these facilities as far from vulnerable populations while maintaining a response time that allows them to be contained in the event they try to flee the area.

Commissioner Lovrien asked how the County would be affected if another County, with incentives, required to have one or none, decides to put in a 20 bed facility. Ms. Wilson stated that it would definitely affect it. The August 31 notification was a notice to do the planning. The hope of the legislature when the Bill was passed is that there would be jurisdictions that would volunteer. This is why the incentive grants were put in place. This would take the impact from other counties.

Mr. Sonnen provided a large map for illustration, which identified buffers of ¼ mile, ½ mile, and 1 miles distances from schools, bus stop, or child care facilities coupled with 5-minute response time. Mr. Sonnen also stated that the County staff suggested a half-mile separation because it appeared to provide a few opportunities for siting sex offender housing. In the RCW's recently adopted through HB 6151, the state is giving some room for expanding the five minute response time. They seek to achieve a balance of separation from vulnerable populations while striving for a five-minute response time.

Commissioner Lyman asked if the half mile radius was from existing school sites. Mr. Sonnen stated that "existing" and "sites owned by schools districts" could be added to a.1 at the top of page 5.

Commission Lyman commented on these types of facilities possibly being placed in Light Industrial zoning, which also allows for adult entertainment, and suggest something be added to the language in regards to that. Staff agreed.

Mr. Sonnen referenced letter c on page 5 and stated that the proposed language in bold would place residential districts as a site of last resort. Commissioner Cole stated that "military reservations (Fort Lewis) should be removed under staff comments because it would be unlikely that Fort Lewis would approve such a proposal. Mr. Knostman stated that there is land in a "military reservation" zoning district that is owned by the County. To eliminate confusion staff agreed to eliminate "Fort Lewis."
Commissioner Lyman asked why school bus stops in sub paragraph b, page 5, was not included in sub paragraph a. Mr. Sonnen stated that the expectation is that if someone escapes that they will attempt to flee the area rather that commit a crime nearby where they would likely get caught. So the objective is to avoid “behavioral triggers” that might induce the residents to attempt to escape. Someone silently occupying a bus stop ¼ mile from a secure community transition facility likely would not be at risk.

Commissioner Lyman noted that a resident might pass an occupied bus stop going to and from work.

Commissioner Reiner expressed concern, as a mother and on behalf of people she represents, with siting such a facility within 1/4 mile of a school bus stop and suggest that school bus stops be placed in sub paragraph a, within the 1/2 mile radius. Commission agreed to leave it at a 1/4 mile radius with the opportunity to change it at the public hearing.

Commissioner Lyman referenced page 6, section 4, and suggested adding a and b to the reference to section 2.)

Ms. Wilson spoke briefly on staffing ratio's and read the RCW which references ratio requirements. Commission Bower stated that the references should be sited in our code.

Mr. Sonnen spoke briefly of the proposed changes to the reduction of standards on page 7 and 8.

Commissioner Lovrien suggested that in section 8, emergency response time be the first of the standards eligible for relaxation. The Commission agreed.

Commissioner Lyman suggested that "in the event that a site satisfying all the criteria cannot be found" be added to the first sentence of sub paragraph 8a on page 7.

Commissioner Bower suggested that a paragraph be added to the ordinance to state the zoning districts that the County prefers to site a Secure Community Transition Facility (Industrial and Commercial).

Commissioner Bower stated that state staffing standards have been established for six or less residents and asked what is more than six. Ms. Wilson stated that they are not there yet but there would be some economy of scale. Commissioner Bower suggested that County staffing standards should indicate six or less. Commission and staff agreed.

Commissioner Lyman asked what the rational was for including "endeavoring to achieve" of the new language on page 2, third paragraph. Ms. Wilson stated that this is the statutory language and is in the RCW. Commissioner Lyman stated that the language is vague.
**Enforcement Officers and Violation/Permit Process (yellow)**

This proposed amendment is to the Thurston County Code.

Mr. Knostman stated that this is a more recent discussion that the Board of County Commissioners had as they have been looking at trying to expand our enforcement capabilities. Looking at our current ordinances we found that civil infractions can only be issued by job classifications of Compliance Officer I and Senior Land Use Planner. We currently have two of those job classifications in Development Services Department and the Board felt more flexibility was needed. The proposed code amendment would remove the job classification from the code. Mr. Knostman also stated that the second code amendment is where the County has permit applications submitted where there are ongoing violations on the property. There is no clear consistent manner in which we can neither deny nor condition permits. The Board wanted to establish a clear and concise set of standards for all of our Land Use codes to set the standard that the County will not issue any permits or approvals for property with outstanding violations.

Commissioner Cole asked how multiple violations (violation itself then the violation without obtaining a permit) are dealt with. Mr. Fancher stated that the owner would be required to correct those violations.

Commissioner Lyman asked what would happen if a violation occurred before a person purchased the property. Mr. Fancher stated that there is a public disclosure law. The civil infraction process is used as a tool to encourage the violation to be fixed. If that does not work the next step is going to court to obtain a court order to correct the violation. Low priority items usually do not get resolved. Most of the time a cited property owner will fix the violation. If a violation does not get fixed we can keep citing the property owner. If they are judgment proof they can go to collections.

**Junk Vehicle Definition (purple)**

This proposed amendment is to the Thurston County Zoning code and the Lacey, Tumwater, and Olympia Urban Growth Area codes.

Commissioner Bower asked about vehicles used for replacement parts and suggested language is added to the definition for property owners to be able to maintain vehicles for replacement parts.

Commissioner Lyman expressed concern with vehicles being used for replacement parts within the urban growth area that are not screened. Mr. Sonnen stated that the vehicle would still need to be screened.

Commissioner Lyman and Paradise asked about the environmental concerns from junk vehicles leaking oil. Mr. Sonnen stated that the Environmental Health Department would respond to that
type of issue.

Commissioner Lyman suggested that "zoned" be added to the definition so that ornamental agricultural machinery and parts on property be zoned and used for agriculture.

Commission discussed the definition of ornamental agricultural machinery and agreed to eliminate "agricultural" from ornamental agricultural machinery.

Mr. Sonnen stated he received a late comment having to do with the three growth area codes not applicable to urban areas. Mr. Sonnen handed out the codes from Lacey, Olympia, and Tumwater Urban Growth Areas.

Commissioner Lyman expressed concern with the conditions that constitute a junk vehicle and stated that vehicles that are currently operable could also be classified as a junk vehicle.

Commission engaged in lengthy discussion (brainstorm) to determine an appropriate definition of what could constitute as a junk vehicle.

Commissioner Lovrien suggested that "and not legally operable" be added to the end of the last sentence in paragraph 1 on page 2.

Commissioner Cole suggested the definition indicate two or more ticketable offenses on one vehicle.

Mr. Sonnen stated he would make the changes/additions for the public hearing draft.

Clarification of Setback Requirements

This proposed amendment is to the Thurston County Zoning code and the Lacey Urban Growth Area code.

Mr. Sonnen indicated that the proposed amendments are intended to reconcile graphic and text inconsistencies for setback/yard requirements.

Commissioner Lyman suggested that "lots fronting on streets which are roughly parallel..." be eliminated from paragraph 2 of page 3 because it is redundant with the definition.

Commissioner Lyman questioned the definition of 21.06.460, Lot, interior, of the Lacey UGA code. Mr. Sonnen acknowledged that the definition was confusing, he indicated that he would rewrite it to provide clarity.

4. Set Hearing: 2001 Development Regulation Amendments
Commissioner Paradise moved, seconded by Commissioner Lyman to set a public hearing on December 5, 2001, at 7:00 p.m., before the Thurston County Planning Commission, to hear public testimony on amendment proposals to the development regulations of the Lacey urban growth area, the Olympia urban growth area, the Tumwater urban growth area, and unincorporated Thurston County, as described on the 2001 Official Docket of Development Regulation Amendment Proposals, Items A.1 - .3 and A.5, B.1 – B.4, and C.1 - C.13. Motion carried.

5. Planning Commission and Staff Updates

Green Cove Creek

Mr. Sonnen stated that Green Cove Creek was not appealed.

Wireless Regulations

Mr. Sonnen stated that wireless regulations were looked at as part of the original Docket. The Board will be reviewing the draft on January 8, 2002. The Commission is expected to see the draft late January or February 2002.

Joint Planning Commission Meeting

Commissioner Bower stated that according to the Olympia Planning Commission schedule, the November 20, 2001 joint planning commission meeting had been cancelled.

Low Impact Workshop

Commission Lyman stated that the Board of County Commissioners will be briefed on November 20, 2001 at 2 p.m. in Room 280 on the low impact workshop. Puget Sound Water Quality Action Team was planning to have three workshops following the conference held in June but now suggest combining efforts to reach a wider audience. Commission Paradise stated that they are looking for representatives from builders, concerned citizens, etc. to make sure everyone's concerns are being addressed.

6. Calendar (Tentative)

Commission agreed to cancel the November 21, 2001 regularly scheduled meeting due to the lack of agenda items.

The next regularly scheduled meeting/public hearing is scheduled for December 5, 2001.

7. Adjourn
The meeting adjourned at 9:20 p.m.

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Bob Bower, Chair
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<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</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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<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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<tr>
<td>09/05/01</td>
<td>Amount of funds diverted from Roads and Transportation to the Sheriff’s Office Traffic Safety Unit.</td>
<td>Bower</td>
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