MINUTES - Public Hearing/Regular Meeting

Thurston County Planning Commission
Wednesday, December 5, 2001
County Courthouse Complex
2000 Lakeridge Drive SW
Building 1 - Room 152
Olympia, Washington 98502

1. Call to Order

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

a. Attendance

Members Present: Tom Cole, Liz Lyman, Peggy Paradise, Thomas Smith, Brian Fagernes, and Mark Lovrien

Members Absent: Bob Bower, Janet Reiner, and Barbara Frost

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

b. Approval of Agenda

The agenda was approved as submitted.


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

The proposed amendments opened for public comment are as follows:

A. Chapter 17.15, Critical Areas and Title 19, Shoreline Master Program. Amendment proposals affecting the designation of enforcement officers and the withholding of permits/approvals for properties with land use violations.

B. TITLE 20, Thurston County Zoning Code. Amendments clarifying building setback requirements and the definition of junk vehicles, designating enforcement officers, and addressing permits for properties with violations and the withholding of permits/approvals for properties with land use violations.

C. TITLE 21, Lacey Urban Growth Area Zoning Code. Major amendments to regulations affecting junk vehicles, enforcement of violations, designation of enforcement officers, permits for properties with violations and the withholding of permits/approvals for properties with land use violations, kennels and pet limits, and home occupations. Minor amendments
affecting rear yard encroachment of decks, signs, and building setback requirements.

D. TITLE 22. Tumwater Urban Growth Area Zoning Code. Major amendments to regulations affecting junk vehicles, designation of enforcement officer, and the withholding of permits/approvals for properties with land use violations, calculating residential density on lots with critical areas, minimum density requirements for small lots, stormwater ponds, accessory dwelling units, and senior housing facilities. Minor amendments affecting fence height on through lots, multi-story setbacks, recycling collection centers, auto sales areas, residential care facilities, entertainment facilities, and manufactured homes.

E. TITLE 23, Olympia Urban Growth Area Code. Amendments affecting junk vehicles, designation of enforcement officers, and permits for properties with violations and the withholding of permits/approvals for properties with land use violations.

Two members of the public provided comments on the following proposals.

**Home Occupations - Amendment Proposal for the Lacey Urban Growth Area Zoning (Title 21, Thurston County Code)**

Bill McGourin - 12th Court off Union Mill Road

Mr. Gourin stated that he has read most of the information provided by staff over the past six weeks. He has discussed it in detail with his wife who is on the advisory committee. We agree with most of the changes proposed in the operation of a business out of a home with one exception. A couple days ago in response to an email from my wife to staff, we were told that existing facilities or existing business would be grandfathered in. This is where we have a personal problem. We respect the right of our neighbors to operate a business out of their home but on the other hand they do not respect my right to maintain the value of my property. There is one of these businesses, which as significantly reduced value of my property. This particular business today has two commercial vehicles they do not operate. Two commercial vehicles that may or may not operate have not been moved in months, a fifth commercial vehicle, which was utilized over the summer, and four personal vehicles. These are parked in the front yard of a 75 x 135 foot lot, with a house. The house on the other side of me was up for sale for a significant period of time. We know for a fact that people came in to look at the house but seeing a home operating a business with that kind of mess in the front yard had a significant impact on the owners ability to sell the house. I know that when the Assessor assessed my house they look at comparables, but their comparables are three or four blocks away. Maybe there a 1600 square foot house has sold for certain value whereas my house the value is going down because of the appearance of the neighborhood. When we first moved into the neighborhood there were 17 houses on the cul-de-sac, with no businesses. Within the last five years now there are three businesses being operated. A second one has a couple commercial vehicles and their employees come in the morning, get in the commercial vehicles and go to do their work and their personal vehicles are parked on the street in front of the house. For most of the summer from
noon until evening, on a daily basis, there were three of their employees parking in front of my house. The family living there is two adults and one teenager.

I think this is a super change but please do not allow for grandfathering all of those people in as their businesses operate today. Please grandfather me in, as my neighborhood was when I moved in, 27 years ago.

_Junk Vehicle Definition - Amendment Proposals for All Zoning Ordinances (Titles 20, 21, 22, and 23 of the Thurston County Code, affecting all of the unincorporated area, including urban growth areas)_

John Lowder, 7310 14th Avenue NE

Mr. Lowder stated that he had submitted a letter on May 18, 2001 and asked the Commission if they had received it. Ms. Hayes stated that the letter had been sent to the Board of County Commissioners and is one of the reasons why the junk vehicle issue was placed on the Docket. The letter had not been submitted to the Planning Commission as part of the public hearing so it is not part of the record for this public hearing.

Mr. Lowder stated that the community he lives in is a one-mile square. In the area there is a least 150 junk cars. It is an old neighborhood. One homeowner has 13 cars setting in his yard. Of the 13 cars there are probably two that has been moved in the last five years. The rest of them are junk cars. There are others in the neighborhood with two or three cars with flat tires, not licensed, and are parked in front and on the side of houses. There are other vehicles, recreational vehicles, setting in the neighborhood. There is one trailer that has been setting on the right-of-way and not on the owner’s property for about seven years and is completely green from mold. Mr. Lowder state he had sent a letter to one of the property owners requesting the junk vehicles be removed because they were deteriorating the rest of the neighborhoods property. Nothing ever happened. Mr. Lowder stated that he had also contacted the County. The County visited the site but the vehicles have still not been moved.

Mr. McGourin asked which jurisdiction would need to be contacted if this is a change to the growth area code. Ms. Hayes stated that the urban growth areas are the County's jurisdiction.

Mr. McGourin provided photographs of junk vehicles in the neighborhood and these were added to the record.

Vice Chair Lyman closed the public hearing at 7:18 p.m.

3. **Worksession/Action: 2001 Development Regulation Amendments**

_**Amendment Proposal for the Lacey Urban Growth Area Zoning (Title 21, Thurston County Code)**_
1. Home Occupations

Responding to Mr. McGourin’s concerns Commissioner Lyman asked what criteria are used for grandfathering. Ms. Hayes stated that when new zoning regulations are adopted they are effective on or after the date the regulations are adopted. Existing uses would be considered legal nonconforming uses. The County does not apply new regulations retroactively.

Commissioner Cole expressed concern about enforcement and asked Mr. McGourin if complaints had been filed. Mr. McGourin stated that a neighbor wrote a letter to the County about two years ago and the County has not responded. Mr. Knostman stated that the County would need the address of the violator to check on compliance and referred Mr. McGourin to David Farr, County Compliance Officer.

Ms. Hayes stated that a public comment was received from Rosalee McGourin via email. Ms. McGourin had three questions regarding commercial vehicles and the definition of those kinds of vehicles. Ms. Hayes stated that the state defines commercial motor vehicles as vehicles with a gross weight rating of 26,001 or more pounds, or passenger vehicles transporting sixteen or more people including the driver. Ms. Hayes stated that we could refer in our code to the states section of the RCW for the definition.

Commissioners generally agreed that the state licensing weight limit was too great for a home occupation vehicle. Commissioner Cole stated that a weight limit should be added to the definition. The Commission agreed.

Commissioner Smith stated that the definition should include whether or not the vehicle has a business tattooed on the side of the vehicle.

Commissioner Lyman expressed concern with the visual impacts and the impacts of increased traffic from the commercial vehicles.

Commissioner Cole suggested that someone from the commercial field provide the definition of a commercial vehicle.

Commissioner Lyman expressed concerns regarding the number of commercial vehicles in a residential area, the size of the vehicle, increased traffic, noise, and lot size. Commissioner Lyman stated that the primary function of residential zoning is to reside there, not to conduct commercial businesses.

Commission Cole stated he would like to see a staff description of what normal home occupation usage is.
Commissioner Lyman asked what the regulations are for the City of Olympia and Tumwater. Ms. Hayes stated they have similar criteria in terms of prohibiting certain occupations and traffic impacts. Ms. Hayes stated that at the next briefing she would provide the Commission with descriptions of the code for Olympia and Tumwater.

Ms. Hayes asked the Commission if they would like this amendment to be tabled for further discussion/action. Commission agreed to continue discussion of this amendment at the next scheduled meeting.

2. Kennels

Commissioner Smith stated the proposal should include cats as well.

Commissioner Lyman stated that 4 options are available as listed on the matrix provided on page 4 of the proposal.

Commissioner Lyman asked for clarification on the meaning of "more than one litter." Ms. Hayes stated that under that proposal if you have one litter and sell the pups, you would not be a commercial kennel. If you start generating multiple litters you could be classified as a commercial kennel.

Commissioner Cole and Lyman asked how that would be enforced. Ms. Hayes stated that enforcement would be complaint driven. Mr. Knostman added that dogs are required to be licensed. When somebody goes to animal control to obtain a Hobby Kennel license, animal control should be asking if a Home Occupation Permit has been obtained. This is one way of checking to see if there are legal applications and permits for those types of activities.

Commissioner Lyman asked about hobby kennels within the McAllister Geologically Sensitive Area (MGSA) as noted on page 8, under Option B, 21.66.020 (3) Permitted Uses of the proposal, which requires a waste management plan approved by the Hearing Examiner. Ms. Hayes stated that the plan would be a requirement of the permit if the property is located within that sensitive aquifer zoning district. Commissioner Lyman then asked about the areas outside the MGSA. Mr. Knostman stated that the Health Department reviews all applications for kennels and the primary thing they are looking at is how the operator is going to deal with the waste. In a lot of cases the owner would have to install a separate septic system.

Commissioner Smith, Paradise, Lovrien, Fagernes, and Lyman voted for Option C. Commissioner Cole chose Option A for consistency with other jurisdictions and expressed concern regarding enforcement.

3. Encroachment of Decks into Rear Yards
Commission agreed to recommend approval as proposed.

**Countywide Amendment Proposals**

1. Junk Vehicle Definition

Mr. Sonnen stated that a couple changes and options had been added to the definition of a junk vehicle as requested at the last meeting. Mr. Sonnen highlighted the revised language on page two of the proposed amendment. Mr. Sonnen stated that two meet the definition of a junk vehicle you would have to have two or more observable criteria. Mr. Sonnen stated that in reference to comments made at the last meeting and a public comment submitted, he added the option of “at least one” as opposed to the original language “more than one” conditions used to determine a junk vehicle. Commission agreed to the original language of “more than one.”

As per the recommendation of Commissioner Cole, Mr. Sonnen stated that in the definition he had added ticketable offences as per County code and state law, which could be additional criteria if the Commission agrees to include the language in the definition. The Commission agreed to include the language.

As per the recommendation of Commissioner Bower, Mr. Sonnen stated that he added additional language (option) to provide for parts vehicles and asked if the Commission agreed to the language. The Commission agreed.

Commissioner Lyman referenced the public comment email from David Jamison, which was handed out at the start of the meeting. Mr. Sonnen stated that Mr. Jamison was on the review panel and has been providing comments as the regulations develop. Mr. Sonnen stated that Mr. Jamison expressed opposition to the parts vehicle concept and staff concurs with Mr. Jamison’s assessment of the merits for providing for parts vehicles in the rural County.

Mr. Sonnen stated that currently there is no distinction between a junk vehicle and a special interest vehicle in the County.

Commissioner Lyman asked staff about the issue of vegetation in Mr. Jamison’s comments. Mr. Sonnen stated that issue is addressed on page 4 and 5 of the proposal.

Commissioner Cole asked if the numbers still apply for vehicles stored in an enclosed building. Mr. Sonnen stated yes, however, we enforce based upon a complaint.

Commission agreed for the allowance of parts vehicles inside the growth areas.
2. Enforcement Officers and Violation/Permit Process

Commission agreed to recommend approval as proposed.

Amendment Proposal in the Rural Area and Lacey Urban Growth Area

1. Clarification of Setback Requirements

Mr. Sonnen stated several changes had been made based upon the Commission’s directions at the last meeting.

Commissioner Paradise suggested that a variance be applied for so that the neighbors are allowed opportunity to comment if the character of the neighborhood is proposing to be changed.

Mr. Knostman stated that through an administrative variance a reduction of up to 50% could be made. Mr. Sonnen added that no public hearing is required for an administrative variance.

Commissioner Lyman, Paradise, Cole, Lovrien, and Fagernes agreed to the amendment as proposed. Commissioner Smith provided no comment.

Amendment Proposals for the Tumwater Urban Growth Area

1. Removing 25% Density

Commission unanimously disagreed with the proposed amendment based on lack of scientific rationale for the change.

2. Calculating Residential Density: Critical Areas and Stormwater

Ms. Hayes stated that the narrative description is the only thing that has changed in the staff report since the Planning Commission briefing with City of Tumwater staff.

Commissioner Cole asked about fencing requirements and expressed a concern for the safety of the children. Ms. Hayes stated that fencing requirements would remain the same as under the Drainage and Erosion Control Manual. Ms. Hayes stated that the County only monitors the function of the facility and does not monitor the public health issues that may or not be associated with the recreational uses by the residences. Ms. Hayes stated that Yauger Park is an example of a stormwater pond that is full of water part of the year and then used for recreational needs the other part.
Commissioner Paradise stated she is conflicted. Commissioner Fagernes provided no comments. Commissioner Cole and Lovrien agree with the proposal. Commissioner Smith and Lyman were not in support of the proposal.

3. Permitting Accessory Dwelling Units in the R/SR Zoning District

Ms. Hayes stated that she has added to the narrative at the bottom of page 1 stating that the Tumwater UGA already permits “single family conversions” as an accessory use in the RSR district. Ms. Hayes stated the only difference is that this proposal would allow detached accessory dwelling units.

Commissioner Paradise, Smith, and Lyman stated they are in opposition of the proposal. Commissioner Fagernes, Cole, and Lovrien agreed with the proposal.

Ms. Hayes stated that the recommendation to the Board would be no action on this proposal.

4. Administrative Reduction in Minimum Residential Density Requirements

Commission agreed to recommend approval as proposed.

5. LI District: Auto Sales Areas and Recycling Collection Centers

Commission agreed to recommend approval as proposed.

6. Senior Housing Facilities

Commission agreed to recommend approval as proposed.

7. Fence Height on Through Lots

Commission agreed to recommend approval as proposed.

8. Parking Requirements for Residential Care Facilities

Commission agreed to recommend approval as proposed.

9. Definition of Entertainment Facility

Commission agreed to recommend approval as proposed.

10. Clarification of where Manufactured Homes are Permitted.

Commission agreed to recommend approval as proposed.
11. Clarification of Multi-Family, Commercial, and Industrial Setbacks

Commission agreed to recommend approval as proposed.

"Commissioner Fageres moved seconded by Commissioner Cole to recommend approval of all proposed Development Regulations Amendments subject to this December 5, 2001 hearing except the following: removing the 25% density bonus in the Tumwater Urban Growth Area, Calculating Residential Density-Critical Areas and Stormwater in the Tumwater Urban Growth Area, Permitting Accessory Dwelling units in the Tumwater Urban Growth Area RSR Zoning District, and amendments to the Home Occupations regulations in the Lacey Urban Growth Area."

4. Worksession/Set Public Hearing: Sex Offender Housing Siting Criteria

Commissioner Fageres moved seconded by Commissioner Smith to set a public hearing for January 9, 2002 at 7:00 p.m. The public hearing will be held in Building 1, Room 152 of the Thurston County Courthouse on proposed amendments to Thurston County Code Titles 20, 21, 22, and 23 creating siting criteria for less restrictive alternative housing for sex offenders.

Commissioner Cole indicated he would not be able to attend.

5. Approval of Minutes: November 7, 2001

Commissioner Cole moved seconded by Commissioner Fageres to approve the minutes for November 7, 2001. Motion carried.

6. Planning Commission and Staff Updates

Development Services Director Position

Mr. Knostman stated that a Director has not yet been hired. The Board is narrowing it down to the candidates they interviewed but no word as to when a Director may be hired.

Meeting

A meeting is scheduled for December 8, 2001 with the Environmental Community, Don Krupp, and Dotty Tryk to discuss the proposed reorganization of the Development Services Department and the Shellfish District. The meeting is scheduled to begin at 5:30 in room 280 of the Thurston County
Courthouse.

Low Impact Development Workshop Proposal

Commissioner Lyman stated that the briefing with the Board of County Commissioners, which was scheduled for November 20, 2001, was cancelled due to schedule conflicts. We are now scheduled to brief the Board on January 15, 2002.

7. Calendar (Tentative)

Commission agreed to cancel the December 19, 2001 and the January 2, 2002 regular scheduled meetings due to the lack of agenda items.

Commissioner Cole stated he would not be able to attend the January 9, 2002 meeting/public hearing.

8. Adjourn

The meeting adjourned at 9:10 p.m.

Liz Lyman, Vice Chair
**Thurston County Planning Commission**

**REQUEST FOR INFORMATION**

**SUMMARY SHEET**

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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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