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: Liz Lyman, Janet Reiner, Peggy Paradise, Thomas Smith, Brian Fagernes, and Mark Lovrien

   Members Absent: Bob Bower, Tom Cole, and Barbara Frost

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

b. **Approval of Agenda**

   The agenda was approved as submitted.

2. **Public Hearing: Less Restrictive Alternative Housing Siting Criteria for Sex Offenders**

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

Mr. Sonnen provided a brief presentation of the proposal. Mr. Sonnen spoke briefly on the background and purpose, then highlighted the security measures being proposed, which is also noted in the staff report, which was made part of the Commission mailing. Mr. Sonnen also used a map titled "Thurston Community Buffer Distance from Schools, Bus Stops or Childcare Facilities, which was prepared by the state, to illustrate the areas within 1/4, 1/2, and 1 mile radius from school bus stops, childcare facilities and schools.

A citizen asked if the areas in white are currently guaranteed a five-minute response time from law enforcement. Mr. Sonnen stated those areas are not a five-minute response time. One of the sites being looked at is the Cedar Creek Correctional Facility. Sheriff Deputies advise that this is about a 15-20 minute response time. Under the proposal, the Hearing Examiner has the authority to increase the response time to 15 minutes.

**Krista Free - 204 West 4th Avenue, Olympia**

Ms. Free stated she feels this program should go into affect. The most severe criminals that do not want the help should be in a farther location rather in the town areas. The ones that know they can go out and get the help should be committed closer. Ms. Free stated a lot of people here will not understand and feel the way she feels. Ms. Free stated that she is a sex offender who was convicted in 1988 and released in 1991. She has been a model citizen since she has been out. She has been off parole since
1998 and feels that if she can go and get the help she needs, she can make it. Ms. Free also stated that convicted sex offenders can also make it but need somebody to back them up and help them out 100% on the locations and doing the programming they are being told to do.

Sue Gordon - 2947 46th Avenue #214, Olympia

Ms. Gordon asked Ms. Free if she was a level 3 sex offender. Ms. Free stated she was a level 2 sex offender. Ms. Gordon asked the Commission if they had seen the booklet the County Commissioners put together the night before November 7th. These gentlemen in the book are not level 3 sex offenders but because we cannot give them a higher leveling, they are 4 or 5. If we had that kind of level we would then label them that. A lot of the gruesome details are not in the book. The Commissioners no the details because Diane Oberquell stated November 6th that she helped put some of these gentleman away. Ms. Gordon stated she does not want the gruesome details out. The offenders cannot be helped. They say that there is going to be 80 percent chance that they will re-offend within the first five years they are out. That is a high percentage of knowing that they are going to re-offend. If we are going to have to have a facility like this, thank God the state has put that Thurston County will receive not more than three of them. Ms. Gordon stated she was shocked that our Chairman had voted to allow 6 residents at the facilities. If were going to have three why not make it six to be more cost affected. That is our planning staff that is working for us. Thank god the Commissioner does not represent my district.

Commissioner Lyman offered clarification indicating that the proposed allowance for 6 inmates was not based on cost. At the Commissioner Lyman’s request, Beverly Wilson of DSHS explained that the county could eventually have a maximum of eight sex offenders based on the number of inmates in the Special Commitment Center. We have to provide for a minimum of three offenders through the 2008 planning period. Commissioner Lyman said that the commissioners thinking was that if we had to accommodate more offenders in the future, it might make more sense to expand an existing facility rather than locating another one somewhere else in the county. If we have a facility with potential accommodate up to six, we will not have two separate facilities. Ms. Gordon stated that she does not feel DSHS is telling the truth and we are here because DSHS did not do their job. Ms. Gordon stated that hopefully those beds would never be filled because as the doctors and psychiatrist state they cannot be rehabilitated. If we have a facility I would like to see it on the top of the jail or so far out that these people will never see the day again. That way we are secure. A quarter mile does not take long to run to when a child is sitting at a bus stop. These people do get to come out to go shopping, go to doctor appointments, etc. The things that are going to be monitoring them while they are at their doctor's appointment are a cell phone and a panic button. Most of the time when I am on my cell phone, it goes dead. I hope we have some kind of technological stuff to make it so these phones would never go dead. The panic buttons would never go off at false alarms and the ankle bracelets they are suppose to be wearing will not be interfered by the cell phone or by the panic button as the ankle bracelets are out today that are put out for home monitoring. You cannot have an answering machine or cell phone near it or it will interfere with the monitoring. I would hope that the Commission would rethink the distance and the 80 percent chance of re-offending in five years. That’s a high percentage and you know they will re-offend. They cannot be cured. They are not 3's they are level 4’s and up and we do not have a level for that. I would also like to see that changed. I hope the Commission will think about this a little more.

Beverly Wilson - Department of Social and Health Services, Associate Superintendent for Community Programs at the Specialty Commitment Center
Ms. Wilson responded to Ms. Gordon's issue on the number of offenders. Ms. Wilson stated that a notice to the County was sent on August 21, 2001 to advise the County of what the requirements were. The statute says that no county could be asked or required to site a facility for more than the number of people that the County had currently committed to the special commitment center as of April 1, 2001. That number for Thurston County was eight. The statute then requires you to look at the number of people that are projected to be needing to be replaced out of the special commitment center between 2004 and 2008. We assume how many that is statewide and then give a proportionate share to each of the County's that had people at the special commitment center in April 2001. Thurston County had eight in April 2001. Therefore, we projected a facility was needed for no more than three people in Thurston County for this time period. This same process starts over again in 2008 for the period 2008-2015. This number could grow. The point of having a number for occupancy of six allows the flexible of being able to site more people if the numbers grow.

Ms. Wilson stated that she submitted a comment letter dated January 9, 2002 that addresses the departments concerns and suggestions for the Commissions proposed amendments and requested the letter be included in the official record of the hearing. Ms. Wilson briefly summarized the details of the letter. Ms. Wilson also stated that DSHS urges the Commission and Thurston County to coordinate with the cities and DSHS in this planning process before adopting regulations. Its vital to consider the implications of specific statutory requirements especially the directive in the state statute to balance the affect of various requirements and give great wait as to what is called equitable distribution of these facilities within a County boundary.

Ms. Wilson then highlighted the following concerns, also noted in her comment letter dated January 9, 2002.

Chapter 20.03.040, Definitions - Suggest the County use the terms "less restrictive alternative housing" and Secure community transition facilities consistent with the state definition requirements.

Section 19.5b. Separation from Other Uses - DSHS agrees it is important to have buffer zones between the secure community transition facilities and from risk potential locations (schools etc.).

Section 19.5.b.1.i. - Potential School Sites - Concern that "potential school sites" to the list of risk potential sites would be difficult to identify and map to determine where those locations are. Especially those sites owned by private churches, synagogues, temples and mosques. DSHS suggest changes the list to be consistent with state law.

Section 19.5.c. - Emergency Response Time - DSHS concerned the County has not completed a sufficient analysis to support the emergency response time restriction meets the requirements of state law. The state law requires the County and Cities to consider the DSHS policy guidelines that balance the average law enforcement response time against the proximity of proposed site/areas and the proximity of those areas to risk potential facilities. There is no indication in the staff notes or draft amendments that the County has considered the balance approach recommended in DSHS policy guidelines. Furthermore, the County has provided no analysis to support the emergency response time in the draft amendments. It is not clear there are any areas in the County that would meet a 5 minute or 15 minute response time. It is likely to be prohibitive to fund a satellite Sheriff's Office to achieve the necessary response time.

Section 19.5.e. - Staffing and Security Measures - Ms. Wilson read what was in the comment letter.
Commissioner Lyman stated she thought the five minute response time was a state requirement. Ms. Wilson stated that the state statute requires an average of the responses. The statute says, "endeavor to achieve" a five minute response time. It does not require a five minute response time. It also says balance that response time with location and proximity to risk potential sites taking into account the equitable distribution requirements.

Danielle Westbrook - 4225 Old Military Road SE

Ms. Westbrook stated that the current average response time is 18 minutes. Unfortunately, at the rate the current Sheriff is pulling the deputies off the road, who are required to respond to everyday calls, for specialty teams such as traffic safety, street enforcement team, etc., it is not likely to get any better. Fourteen years ago there was an average of five to seven deputies on the road responding to calls. This does not include detectives or any special teams. As of today there is only an average of six to eight. Ms. Westbrook is not sure how it is going to work even if the Hearing Examiner can have a lesser restriction. It seems highly unlikely to even get near the five minute response time. Even a satellite station would require manning and where would the money come for that. With that alone maybe it will keep the housing of sex offenders out of Thurston County.

Vice Chair Lyman closed the public hearing at 7:38 p.m.

3. Worksession/Action: Less Restrictive Alternative Housing Siting Criteria for Sex Offenders

Commissioner Reiner expressed concern with response time and safety of the children.

Commissioner Fagernes stated that DSHS has serious and legitimate concerns and is not convinced on whether or not it is the best thing to house these people at Cedar Creek.
Commissioner Smith provided no comment.

Commissioner Paradise stated she was not prepared to make a decision until DSHS issues are discussed.

Commissioner Lovrien made a comment on distance, and stated as far as siting of the areas near potential schools, DSHS could do a title search to make sure a school is not in the vicinity just as developers do. It takes more research and it is worth not siting one of these facilities close to schools.

Commissioner Reiner expressed concern regarding bedding and the concentration of sex offenders in one particular area, which makes the area highly more offensive and dangerous. The range was supposed to be a minimum of 3 and now it is a maximum of 6. We are having a challenge with 3 and concentrating on 6 would create more of a challenge. Commissioner Lyman referred to the Commission's previous discussion on the difficulty of siting these facilities and that if we have to site a facility it would be better to have to deal with one site rather than multiple sites.

Commissioner Lyman stated that she shares the concerns of everyone. No one would like to see one of these facilities but we are faced with the court ruling mandating that the state does this. As the planning commission we have to deal with the task that we are given.
Commissioner Reiner expressed concern regarding the devaluation of properties.

Commissioner Lyman stated that she has a concern with potential school sites. Public school districts have purchased property in advance to be able to site schools. It is a burden on the school districts not to exclude the designated areas that they have already purchased property for. Ms. Wilson stated that DSHS concerns are more with private property owners. Mr. Sonnen stated that schools would be allowed in a residential area by a Special Use Permit and in some cases in conjunction with places of worship. These places would be relatively easily to identify.

Mr. Sonnen stated that he has spoken to deputies regarding response time and he is concerned that we may be too stringent on that given the situation and suggest we look at that again.

Mr. Lovrien stated that in reality Capitol Forest is too far out we would still be looking at the rural and residential neighborhoods. Mr. Knostman stated that the Cedar Creek Facility is currently in the Capitol Forest area.

Commissioner Lyman asked Mr. Sonnen if the County is coordinating efforts with local jurisdictions. Mr. Knostman stated that the County at this point in time is taking the lead. We are further ahead than any other jurisdiction. The Board wanted to make sure we had regulations in place in case a site is located in the unincorporated area of the County, which might be the Urban Growth Area. If the cities adopt something different we would probably have to come back and try to make them more consistent. The Board wanted to have regulations on the books that the Hearing Examiner could use in case a project was proposed.

Commissioner Reiner stated that we are protecting ourselves in case we have to locate one of these facilities. Mr. Sonnen stated that is correct. The main position of the County is that we do not accept House Bill 5161 and we are trying to work with our legislatures to get the law changed. If we are not successful in working with the legislature we want to have regulations in place that are stronger than just the general criteria we have now.

Commissioner Lyman asked if restricting the area to Light Industrial, as in the Lacey UGA, is something we need to consider. Mr. Sonnen used the zoning map to identify the Light Industrial areas. Mr. Knostman stated that the areas are limited and the City of Lacey may become too restrictive.

Mr. Sonnen suggested the Commission go through each of DSHS comments so if the Commission has any questions Ms. Wilson would be available to respond. Commission agreed.

Chapter 20.03.040, Definitions - DSHS requested the terms "less restrictive alternative" and "secure community transition facility" are defined and applied consistent with the statutory definitions. The Commission asked to have Jeff Fancher look into it.

Chapter 20.54.065 - Essential Public Facilities - DSHS suggest the list of essential public facilities be amended to delete "less restrictive alternative housing" and add "secure community transition
facilities." Mr. Sonnen stated that the County requires a Special Use Permit for less restrictive alternative housing and asked the Commission if they would like to require a Special Use Permit for smaller institutional type of situations if it were legally possible. Commissioner Lyman stated that the County Prosecuting Attorney needs to look into whether that would be permissible. A discussion followed.

Section 19.5.b.1.i. - Potential School Sites - DSHS request potential school sites properties be deleted from risk potential facilities and the language be changed to "public and private schools" to be consistent with state law.

Commissioner Lyman and Paradise requested that potential school sites be in the standards.

Commissioner Reiner requested that bus stops have the same distance as potential school sites. Bus stops are less secure than a school site.

Commissioner Fagernes commented on what the classification of a bus stop would be.

Commissioner Smith stated that these people should be placed in Light Industrial areas where they can be monitored more closely. There are lots of opportunities to hide and get away while in transit to a doctor appointment etc. if the facility is placed away from populated areas. We need to look at realistic consideration of siting places where these people do not have an opportunity to commit an offense.

Commissioner Lovrien stated that he would like to make it as restrictive as possible and let the Hearing Examiner sort it out.

Commissioner Paradise expressed concern with the Hearing Examiner potentially placing a facility in an area we would not like because the standards were not strict enough. Mr. Knostman stated that all Hearing Examiners decisions are appealed to the Board. The Board would have the ability to uphold, overturn, or remand the case back to the Hearing Examiner.

After further discussion the majority of the Commission agreed to change the siting distance of bus stops to a 1/2 mile rather than 1/4 mile.

19.5.b.1.ii. - Preschools - DSHS requested language be changed to "licensed preschools." Commission agreed with the change.

19.5.b.1.v. - Places of Worship, Community Centers, and Other Places of Assembly - DSHS felt that "other places of assembly" was broad and requested that the language be deleted. The commission directed staff to prepare a definition of places of assembly for their consideration.

19.5.b.2.ii - Trails Used by the General Public - DSHS request that the language be revised to "publicly dedicated trails." After discussion regarding the definition of a trail, the Commission decided to discuss this again at the next meeting and asked staff to have the Prosecuting Attorney look at it.

19.5.b.3. - Distance from Residential Properties - DSHS concerned with the 500 foot siting distance of a facility from a residence, residential lot, or a district where it is not allowed as a special use will preclude the siting of such a facility. Mr. Sonnen asked if the commission wanted to eliminate the 500
setback of secure community transition facilities from the boundary of districts where they are not allowed to enable the facilities to be sited in the smaller light industrial areas. The commission indicated that they did.

19.5.c. Emergency Response Time - Mr. Sonnen stated that he has contacted the Deputy who patrols the area of Cedar Creek and he stated the average response time could be anywhere from 15-20 minutes. That assumes they are in the area and would not be responding from the Courthouse. Our response time of 15 minutes would not realistically accommodate a facility in that area.

Commission suggested the Sheriff attend the next Commission meeting to discuss this topic.

Detective Leischner of the Thurston County Sheriff's Department stated that using the state employees working at Cedar Creek would decrease the response time. Cedar Creek has armed guards that could respond to a situation until the Sheriff's office can get out there. This would involve the Sheriff to commission the employees so they are commissioned in the County to handle enforcement. They would then be able to make an apprehension once they are commissioned. This would be limited commission, which would allow them for this purpose to respond.

Ms. Wilson responded by providing background of the state law and state employees responding and stated that at this point in time the state law would not provide for this option.

Section 19.5.e. - Staffing and Security Measures - In reference to the "equal or exceed the standards specified in RCW 7109, as determined by the Thurston County Sheriff," Mr. Sonnen stated that we are looking for compliance with state regulations. Mr. Sonnen stated that he would check with Jeff Fancher, Thurston County Prosecuting Attorney on the appropriate language.

Commission Lyman asked if the Sheriff's Office review could be appealed to the Hearing Examiner. Mr. Sonnen stated that the Sheriff's Office determination is not a determination that can be appealed to the Hearing Examiner. The Sheriff's Office will only be providing technical professional advice relative to compliance.

Ms. Wilson stated that the language is not clear.

Section 19.5.h. - Reduction of Standards - DSHS is concerned that the County's draft regulations will place the burden on the state to "conclusively demonstrate" that no site is available in the County that meets the requirements before the Hearing Examiner can reduce the standards. Commission agreed to eliminate "conclusive."

20.630.20.3.c.ii. Type III Procedure (mailing requirements) - County mailing requirements is to notify landowners within 2600 feet of the project site. DSHS request the notice requirements be changed to 2640 feet to allow the County and DSHS to coordinate on one mailing and avoid duplication of effort. Mr. Knostman stated that the County has a number of other uses that require a 2600-foot mailing radius and we try to build consistency within our ordinances so we treat a series of uses the same. When an exception is made it provides an opportunity for error.
Mr. Sonnen stated suggested leaving the 2600 feet knowing that mailing to people within 2640 feet this is not inconsistent with our regulations. Mr. Sonnen also stated that if the project reviewer is notified of state regulation we should be able to accommodate the additional 40 feet.

Commission agreed.

4. Worksession/Action: Lacey Urban Growth Area Home Occupation Regulations

Ms. Hayes referenced Supplement A - Lacey UGA Home Occupations Staff Report, which was included in the Commission mailing. Ms. Hayes stated that Supplement A is a response to the Commission’s request for additional information from the December 5 public hearing.

Ms. Hayes stated that on page 5 there are three alternative proposals staff would support in order to address the concerns of the Commission and the public. The alternatives are as follows:

1. Define commercial vehicle as a vehicle used in conjunction with the home occupation that has a gross vehicle weight maximum of 9,000 lbs. and/or a payload capacity not exceeding 4000 lbs. Still require garaging or screening and restrict the number of such vehicles to 2.

   Commissioner Lovrien stated that he would not like to exclude flatbed trucks weighing between 9000 - 12,500 lbs. because landscapers use these types of trucks. Flatbed trucks are not that big of a truck and is not much bigger than a van. They are just capable of hauling more.

   Commissioner Smith expressed a concern with making a restrictions on a person operating a business out of their home yet other people in the neighborhood could be driving a commercial company vehicle and would be able to park it in their driveway. Commissioner Smith also stated that he does not think it is workable or equitable.

   Commissioner Fagernes agreed with Commissioner Smith.

   Commissioner Lyman stated that she feels we do need to establish a maximum weight.

   Commission Lovrien stated he did not have a problem with screening. He does not want to limit the vehicles that can be used.

   Commissioner Paradise stated she would like to see the vehicles screened.

   Commissioner Smith stated he would like to see them screened but felt it is not equitable to have them screened. If you require screening you should require it for all commercial type vehicles.

   Commissioner Reiner agreed with Commissioner Smith.

   Commissioner Fagernes stated that he did not care either way about the screening requirement and that we should not be discriminating against the home occupation versus the brokerage users.

   Commissioner Lyman expressed concern with the impact on the neighbors and noted that the primary function of a residential area is to provide residences, not to conduct businesses.
Ms. Hayes stated that she would present this to the Board as an alternative a and b.

2. **Reduce the number of permitted commercial vehicles to a maximum of 1.**

3. **Reduce the maximum number of employees to 1.**

The Commissioners briefly discussed this and decided against these alternatives.

**Commissioner Paradise moved seconded by Commissioner Lovrien to recommend approval of the proposal with the two alternatives, for screening commercial vehicles and not screening them, to be presented to the Board of County Commissioners.**

5. **Election of Officers**

Vice Chair Lyman opened the floor for nominations for Chairman.

Vice Chair Lyman stated that she is permitted by Bob Bower to offer his services as Chair if no one else is interested in the role.

**Commissioner Paradise nominated Commissioner Bower for Chairman. Commissioner Lyman seconded the nomination. Commissioner Bower accepts the nomination. Motion Carried.**

Vice Chair Lyman opened the floor for nominations for Vice Chairman.

**Commissioner Lyman nominated Commissioner Paradise for Vice Chairman. Commissioner Reiner seconded the motion. Commissioner Paradise accepted the nomination. Motion carried.**

Commission agreed to add the Election of Officers to the agenda for future discussion. Commission agreed to consider that the position of Chair and Vice Chair should be on a rotating basis and requested additional discussion time to develop a process for the coming year.

6. **Approval of Minutes: December 5, 2001**

Commissioner Fagernes requested that "November" be changed to "December" under item 6 (meeting) on page 10.

Commission Lyman stated that the last paragraph under item 1 (clarification of setback requirements) on page 7 did not mention Commissioner Paradise. Commissioner Paradise stated that she did agree with the amendment. Commissioner Lyman requested that Commissioner Paradise be added.

Commission Lyman stated that in the second paragraph under item 3 (permitting accessory dwelling units) on page 8 reflects Commissioner Smith both for and against the proposal. Commissioner Lyman stated that it should be changed to reflect Commissioner Cole who voted for the proposal and Commissioner Smith who voted against the proposal. Commission agreed with the change.
Commissioner Lyman referenced the motion made after item 11 (clarification of multi family, commercial, and industrial setbacks) on page 9 and stated that she thought that Calculating the Residential Density was also not approved. Commissioner Lyman stated that she thought a simple majority of the Commission (5 affirmative votes) was necessary for a recommendation to be approved. Ms. Hayes agreed to look at the by-laws for clarification. Ms. Hayes suggested that since there is an issue that needs clarification in the minutes, that the approval of minutes be postponed until the next meeting. Commission agreed.

7. Planning Commission and Staff Updates

Field Trip

Ms. Hayes stated that there are some issues with securing a van for the field trip tentatively scheduled for February 9, 2002 and asked the Commission if their schedules would accommodate a February 16 or 23 field trip. Commissioner Lyman requested staff send an email to each Commission member, with a response deadline, to allow opportunity to review their calendars. Commission can then respond to the email. Ms. Hayes stated that the Commission is scheduled to be briefed on the quasi-judicial rezone proposals on February 6, 2002.

Development Services Department Director

Mr. Knostman stated that a Director has not yet been hired. Mr. Knostman stated that there is only one candidate, from Pierce County.

Development Code Amendments

Mr. Knostman stated that a briefing with the Board of County Commissioners on the development regulation amendments has been scheduled for February 5, 2002. Mr. Knostman also stated that a board hearing has been tentatively scheduled for March 7, 2002 on the Development Code Amendments.

Joint Meeting with Board of County Commissioners

Commissioner Lyman stated that after the first of each year the Commission has an opportunity to meet with the Board and asked staff if a meeting will be scheduled. Mr. Knostman stated that nothing has been scheduled and asked the Commission if they would like to meet with the Board.

Commission expressed interest in meeting with the Board. Mr. Knostman stated he would check with the Board for some possible meeting dates.

8. Calendar

Who will not be attending the upcoming Commission meetings?

The next meeting is scheduled for January 23, 2002.

9. Adjourn
The meeting adjourned at 10:05 p.m.

__________________________________________
Liz Lyman, Vice Chair
<table>
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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>
</tr>
<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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