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, Janet Reiner, Thomas Smith, Liz Lyman, Tom Cole, and Mark Lovrien

   Members Absent: Barbara Frost, Peggy Paradise, and Brian Fagernes

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

   Guest: Randy O'Hern, Thurston County Dept. of Water and Waste Management

   b. **Approval of Agenda**

   The agenda was approved as submitted.

   c. **Approval of Minutes: April 3, 2002**

   **Commissioner Smith moved seconded by Commissioner Lovrien to approve the minutes for April 3, 2002. Motion carried.**

2. **Public Communication**

None.

3. **Worksession: 2002 Comprehensive Plan Amendment Proposals**

Included in the Commission mailing, staff provided a summary of the public comments received at the April 3, 2002 public hearing on the 2002 Comprehensive Plan Amendment proposals. The summary listed each topic, issues/concerns, and staff responses. The summary was used as an
outline for the worksession.

COUNTY AMENDMENTS

Ms. Hayes provided a brief overview of each proposal. Randy O’Hern from Water and Waste Management was available for questions on the CO-3 and CO-4 proposals.

CO-3 Boston Harbor Water Service Expansion
Planning Commission agreed by consensus to recommend approval to the Board of County Commissioners.

CO-4 Tamoshan/Beverly Beach Plant Replacement
Planning Commission agreed by consensus to recommend approval to the Board of County Commissioners.

CO-1 Accessory Housing in the Rural Area
Ms. Hayes stated that she has provided a supplemental analysis of this proposal as part of the Commission mailing. Ms. Hayes also stated that the issues/concerns brought up by the public and staff responses are included on pages 5 and 6 in the summary of public testimony matrix, which was also included in the Commission mailing. Ms. Hayes provided a flip chart with step-by-step components of the proposal, which were pointed out as issues at the public hearing. Ms. Hayes asked the Commission if they would like to use the flip chart or have a general discussion. A general discussion followed.

Rural Character

Chair Bower handed out a worksheet titled “Rural Character,” which provides the definition of rural and the definition of character as noted in the dictionary. Chair Bower stated that the words underlined in his handout are his own words. Chair Bower stated it would be worthwhile to have a definition of what we consider to be rural character and the definition used by staff is not specific. Ms. Hayes stated that on page 3, section 3 of the supplemental analysis, the definition of “rural character” has been defined per the RCW.

Chair Bower asked what the lowest urban zoning would be to be considered as urban zoning. Ms. Hayes stated that she and Jeff Fancher looked into Washington case law. One unit per one acre is considered urban zoning. Other cases identify some other densities, including lower than 1/1, as urban or suburban type zoning. It is safe to say that one unit per five units per acres would be considered rural. A lengthy discussion followed on the definition of rural character and rural zoning vs. urban zoning and how Thurston County is going to keep the rural areas rural.

Attached and Detached Accessory Dwelling Units
Ms. Hayes stated that the issue with attached and detached accessory dwelling units comes directly from case law and the proposal seeks to make a legally defensible amendment. This is where the rural character comes in. Ms. Hayes stated the case law supports attached apartments as not constituting new urban growth, and this is what staff is proposing. A discussion followed regarding attached vs. detached accessory dwelling units.

Chair Bower asked the Commission if they support attached and/or detached dwelling units.

Attached - The Commission agreed by consensus to support attached ADU’s with an 850 square foot limit.

Detached - Commissioner Lyman stated the Growth Hearings Board could challenge this but feels there should be an option and would support detached with a minimum lot size. The Commission agreed by consensus to allow detached accessory dwelling units as long as the parcel is 10 acres or more.

Commission agreed to amend the proposal to allow detached accessory dwelling units on lots of 10 or more acres in size.

Ms. Hayes asked the Commission how they would feel about also having a one-acre minimum for having an ADU to ensure capacity for required well and septic. The Commission agreed by consensus.

Owner Occupancy

Ms. Hayes asked the Commission about the owner occupancy issue. Chair Bower stated he would propose to eliminate that because it cannot be enforced. Commissioner Lyman asked staff how they feel about owner occupancy. Ms. Hayes stated that staff realizes there are issues with enforcement but that staff supports owner occupancy as a requirement.

Commissioner Cole stated that he is against any rule that we do not have the capability to enforce.

Commissioner Lyman asked staff what issue is being addressed by requiring owner occupancy. Ms. Hayes stated absentee ownership is the issue, which many translate to be deterioration in the quality of the property, and in a lack of investment in the rural area if both the primary house and ADU are rented.

Commissioners agreed by consensus to remove owner occupancy from the proposal.

Door Facing Street

Chair Bower states he objects to the requirement of having only one door face the street and
proposes that this provision be removed.

Commissioner agreed by consensus to remove this item from the proposal.

Family Member Unit

Ms. Hayes stated that Family Member Units (FMU’s) are affordable housing that can be moved onto a parcel temporarily. A size limit is proposed to be 1300 sf. Staff found many models of 1300 sf or under available in the local area. Compliance is proposed to be monitored through annual certification. FMU’s still require on-site septic system approval.

Commission agreed by consensus to limit the size of family member units to 1300 square feet.

JOINT PLAN AMENDMENT PROPOSALS

OLY-1 Woodard Creek Crossing.

John Sonnen stated that there was confusion on the map alignment. He noted that the map Kathy McCormick replaced at the worksession prior to hearing showed an alignment closer to the wetland than the map subject to the public hearing.

Commissioner Reiner stated that there is a history of environmental issues and she would abstain on making a decision because she has concerns regarding the wetlands. Commissioner Reiner then stated her comment is strictly for caution.

John Sonnen handed out a map and stated that the City’s position is they have eliminated the major wetland concerns by not crossing it. The alignment stays out of the wetland. If they do proceed with construction it would be subject to environmental review and mitigation. The entire realignment was in the City of Olympia.

Commissioner Reiner stated that because the Commission was so sensitive to Green Cove Basin and being environmental conscious, she is very conscientious as the balance between the environment and the development and her concern is making sure the balance includes the wetlands because balance has to be there.

Commissioner Reiner agreed to have a comment added to the cover letter that is forwarded to the Board.

Mr. Knostman stated that several years ago there was a proposal to take the entire 15th alignment out of the transportation element. The County did remove that and the City left it in. This proposal is taking it out of the City’s portion that still shows it stubbing into where the County had jurisdiction. This is a realignment to remove it completely. The connection between Martin Way and Pacific is
subject to critical area review, and may be an alternative.

Planning Commission agreed by consensus to recommend approval to the Board of County Commissioners.

**TUM-1a Lands for Public Purposes/Essential Public Facilities**
Mr. Sonnen stated that the State is asking that this section be updated to reflect current state law and to make reference to secure community transition facilities. Mr. Sonnen also stated that revised language was included in the Commission mailing.

Mr. Sonnen handed out page 1 of the Lands for Public Purposes Plan, Chapter 1, and stated that page 1 had been omitted from the materials mailed to the Commission.

Planning Commission agreed by consensus to recommend approval to the Board of County Commissioners.

**TUM-1b Transportation Updates (HB 1487)**
Mr. Sonnen stated that he received a letter from Washington State Department of Transportation requesting this proposal be update to reflect what the state is after for HB 1487 requirements and to reflect the highways of statewide significance, which were designated including I-5 and US 101, and to reflect LOS “D” for urban areas and LOS “C” for rural areas. Mr. Sonnen also stated the City of Tumwater request that the Commission make a recommendation consistent with the state’s request.

Mr. Sonnen followed up on some questions the Commission had regarding how the year 2020 traffic counts related to the proposed LOS. Mr. Sonnen referred the Commission to figure 2 in the staff report, and stated that he contacted Mr. Sutmiller from the Department of Transportation and he indicated that the maximum number of trips for LOS “D” would be 6900 trips and all of the growth area measures would fall below that. Mr. Sonnen also stated that with highways of statewide significance there are no concurrency requirements and no local implications. The state monitors these projections and they have a state highway system plan, which programs areas of congestion for various types of improvements.

Chair Bower requested staff include a paragraph in the letter to the Board that speaks to this subject and to include what the states solution is.

Mr. Sonnen stated that in the worksession before the hearing it was pointed out that there is a reference to average daily traffic counts on table 1 of the staff report. When the state provided us with the list of state transportation facilities, they provided us with a chart that lists each segment of road and the attributes of that road. We are only required to adopt the list of facilities in the plan and not the average daily traffic counts. Mr. Sonnen requested that the column be removed from the table to avoid confusion. Commission agreed. Chair Bower suggested that a comment be added to the letter to the Board. Mr. Sonnen stated that he would remove it from the table that goes forward to the Board and make a note on the change.
Commissioner Smith stated that the state is asking us to include highways of statewide significance in our plan but the state designates what highways of statewide significance are. Mr. Smith also stated that we should be aware of the highways of statewide significance and that he is not sure what “highways of statewide significance” really means.

Planning Commission agreed by consensus to recommend approval to the Board of County Commissioners.

QUASI-JUDICIAL AMENDMENT PROPOSALS

QJ-2 Larsen Redesignation/Rezone
Ms. Hayes referred the Commission to page 2 of the comment summaries, which was made part of the Commission mailing. Ms. Hayes stated that the main issue was with some neighbors and a private easement dispute with the property owners. Ms. Hayes stated that this is a private matter and not the County’s concern. Ms. Hayes stated that if the property is short platted access will be available directly off Ordway Drive and access would be secured through the short plat process.

Chair Bower asked staff if the people who are concerned are protected. Staff stated yes.

Commissioner Lyman stated that an issue had been raised regarding an increase in traffic. Mr. Knostman stated that three additional houses would not create a significant increase in traffic.

Planning Commission agreed by consensus to recommend approval to the Board of County Commissioners.

QJ-4 Gemini Redesignation/Rezone
Ms. Hayes provided an overview of the concerns raised. Ms. Hayes stated that one neighbor had testified with some concerns with how the area had developed over the years. Ms. Hayes stated City of Tumwater Planning Commission held their hearing on April 9, 2002 and voted to recommend approval on this rezone.

Chair Bower asked about the size of acreage advertised. Ms. Hayes stated that both the City of Tumwater and County advertised the size of the acreage correctly. It is a 6.2 acre piece and only 5.2 acres are being rezoned.

Planning Commission agreed by consensus to recommend approval to the Board of County Commissioners.

QJ-3 Collins Redesignation/Rezone
Ms. Hayes stated that two of the adjacent property owners are not interested in a rezone and one property owner is interested. Ms. Hayes provided a map illustrating the boundary lines of what it...
would like if we included Collins and the other property owners. Ms. Hayes stated that the Tumwater Planning Commission held a public hearing on this and they are recommending that the Collins and King property be rezoned to residential. Ms. Hayes handed out a map produced by Thurston GeoData Center depicting high ground water areas. The map depicts more that 50 percent of the Olson property is in a high ground water hazard or buffer area.

Commissioner Lyman expressed concern with the boundaries of the property to the north would be. Ms. Hayes stated that the current boundary is already odd. The fact that the property is already zoned industrial off of a dead-end road (Blomberg) where are policies say you cannot get industrial access is odd, and the fact that the property is covered with high ground water further makes this a challenge. Still the property owner does not wish to be rezoned.

Ms. Hayes stated that she feels the County would not be faced with any legal issues or policy conflicts if we rezone only the King and Collins properties.

Commissioner Reiner expressed concern with the “cleaning up” of boundary lines.

Mr. Knostman stated that this area is included as part of the Salmon Creek Basin Planning Area. Once we have a final report of the Salmon Creek Basin Study, it might suggest we look again at zoning for the entire area. Mr. Knostman also stated that this is not the last time we look at this zoning area and it is a matter of what type of development regulations come out of the Salmon Creek Basin Study.

Commissioner Lovrien stated that the property is of value now and he feels it is important not to rezone it out of industrial.

Ms. Hayes stated that when rezones are done, the county likes to establish logical boundaries, but there is no requirement for a straight zoning boundary when you look at the RCW’s and Comprehensive Plan policies.

Commissioner Lyman stated that she thought the basis of the rezone was to create a boundary that makes sense. By doing this rezone, that is not what were really doing.

Commissioner Lovrien stated that the original issue was split zoning on the Collins property and the property owned by King is interested in being involved with the rezone.

Planning Commission agreed by consensus to recommend approval to the Board of County Commissioners to rezone only the Collins and King properties.

**QJ-5 Hulbert Redesignation/Rezone**

Mr. Knostman stated that staff received a request from the Applicant’s attorney to withdraw their proposal for a rezone. They will now be filing for a Special Use Permit and the approving authority would be the Hearing Examiner.
Chair Bower stated a paragraph should be added to the letter to the Board that explains what happened with this proposal.

4. **Action: 2002 Comprehensive Plan Amendment Proposals**

**Commissioner Lyman moved seconded by Commissioner Lovrien to recommend approval of the 2002 Comprehensive Plan Amendment Proposals as listed on the official Docket as amended.**

5. **Planning Commission and Staff Updates**

*2002 Comprehensive Plan Amendments*

Mr. Knostman stated a briefing with the Board is scheduled May 1, 2002 to provide the Board with the recommendations of the Commission. The Commissioners are invited to attend. A public hearing is scheduled for June 13, 2002. A briefing with the Board is scheduled for June 25, 2002. Mr. Knostman also stated that we are hoping the Board will adopt the amendments in July.

*Development Services Department Director Position*

Mr. Knostman stated that the position has not yet been filled.

*Supreme Court Cases*

Mr. Knostman stated that there have been staff meetings on the water rights issue. These are cases out of Yakima and Moses Lake. The Supreme Court states that any project withdrawing more than 5000 gallons of water per day is subject to water rights. Mr. Knostman stated that we have several plats that have already been approved that withdraw more than 5000 gallons of water per day. Staff is awaiting policy direction or criteria from DOE. Staff and Prosecuting Attorney’s office will determine if the County should adopt the same criteria. All new projects that have not yet been preliminary approved will be subject to meet the water rights criteria.

*Law Changes on Shorelines*

Chair Bower asked staff how law changes on shorelines exempting agriculture going to change our rules and the change in exemption from building on the waterfront to the Shorelines Management Act. Mr. Knostman stated that the legislation becomes effective as soon as the governor signs and the time period expires. Mr. Knostman also stated that the only change is in value. Mr. Knostman stated that you would no longer have to obtain a Shoreline Substantial Development Permit for projects under $5000 in value. A building permit would still need to be obtained. As far as agriculture, Mr. Knostman stated he is not certain of the status.

Mr. Knostman stated that County’s have been given the authority to do nine lot short plats within the urban growth areas. The County has not yet determined if they will be doing that.

6. **Calendar (Tentative)**
7. **Adjourn**

The meeting adjourned at 9:00 p.m.

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Bob Bower, Chair
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Thurston County Planning Commission

REQUEST FOR INFORMATION
SUMMARY SHEET