THURSTON COUNTY PLANNING COMMISSION

Minutes
January 26, 2005

1. **Call to Order**

Commissioner Kohlenberg, followed by introductions of the Thurston County Planning Commission members, called the meeting to order at 7:02 pm.

   a. **Attendance**
   
   
   Members Absent: Chris Lane
   
   Staff Present: Nancy Pritchett, John Sonnen and Gina Suomi
   
   Department of Ecology Staff member Grechen Lux

   b. **Approval of Agenda**

   Nancy Pritchett requested that Staff Updates, #4 on the agenda, be moved to #3 following public communications.

   Commissioner Joyce Roper moved to approve the amended agenda. Commissioner Ottavelli seconded. Motion carried.

2. **Public Communication Not Associated For Topics That Have Not Been Docketed As Quasi-Judicial**

   None.
Commission Lyman requested that a letter and application to the Puget Sound Water Quality Action Team requesting technical assistance with the Low Impact Development standards be supported by the Planning Commission.

Commissioner Joyce Roper moved to approve the letter to the PSWAT. Commissioner Ottavelli seconded. Motion carried.

3. **Staff Updates**
   *Staff: Nancy Pritchett*

Ms. Pritchett handed out copies of the appeal filed with the Western Growth Management Hearings Board. She explained that the appeal requests that the board remand Ordinances 13234 and 13235 (amendments to the Thurston County Comprehensive Plan) back to Thurston County for action consistent with the Growth Management Act. Ms. Pritchett stated that the burden of proof is on the appellant to argue why the County is in compliance with the Growth Management Act. She will keep the Planning Commission informed.

Ms. Pritchett shared with the Planning Commission that the 2005 Advanced Planning work program was revised by the Board of County Commissioners. The Board removed joint plan amendments proposed by the cities and citizen initiated amendments, quasijudicial rezones and reprioritized the development code amendments. She explained that the code amendments are still on the docket but some items are delayed. Commissioner Roper requested that new copies of the work program and the development code docket be provided to the Planning Commission.

Chair Kohlenberg requested either a fieldtrip or a map showing local areas of more intense development. This would be worthwhile when the Planning Commission begins working on these topics.

Chair Kohlenberg requested that revised scheduled be sent to members.

4. **Briefing: Wetlands**
   *Staff: John Sonnen*
   *Dept of Ecology staff: Grechen Lux Ecology representative that assisted with the development of TCC 17.15.900 and is reviewing the regulations and giving input regarding any concerns that DOE might have with the document.*

Mr. Sonnen reviewed changes from the last meeting regarding significant changes.

- Old regulations exempted wetlands of 11,000 square feet in the urban area and 20,000 in the rural area. These are now regulated in the new draft.
- Wetland Rating System and wetlands are categorized by function rather than the old process
- Scheme of buffers and how regulated

Mr. Sonnen distributed Table 9-1 Standard Wetland Buffer Widths, from Department of Ecology.
17.15.930 – **Determination of wetland boundaries.** Include requirement that determinations/reports be prepared by a “qualified” rather than “certified” wetland scientist. Maintain consistency throughout the documents. See 17.15.990 (administrative section).

17.15.940 – **Rating wetland categories.** Suggestion that regulations follow the new Wetland Rating model. Discussion regarding the last line and whether it should be eliminated. Commissioner Roper, member of the drafting committee, stated that the committee recommended that the function rating remain after the permit is issued rather than “…during the period the development application is under review…..”.

17.15.950 **Wetland Buffers:** Proposed change “…retain the natural functions of wetlands, the buffers consistent with this Section shall be established and maintained in undisturbed condition except as provided for in this section.

17.15.950 (3) **Buffers on mitigations sites.** Allows for enhancement of buffers; buffer is based on pre-enhancement condition. Should this be as long as owner owns property or limit to a 10 years? Avoids penalizing someone who is a good steward of the land.

**There was considerable discussion by planning commission members regarding this section.** Following are several questions/issues that were brought forward during the discussion.

- How would this be tracked?
- Could this or should this be recorded on the property? Not necessarily recording this on the title but in the permit tracking system.
- Seek legal advice regarding how this information could be “attached” to the property
- Ms. Lux suggested narrower buffer should apply only to current owner and would not need to be on the title because when the property sells it would not continue to new owner. New owner must adhere to “current” buffer regulations.
- Once property sells, does this create a nonconforming use?
- What incentive would there be to the developer to enhance a wetland if he doesn’t get a narrower buffer as a result of a buffer enhancement
- How will County know previous condition of the enhanced wetland? Through photos?

Mr. Sonnen suggested three options for this section

1. Remove section 17.15.900 (3), or
2. Include language that the narrower buffer remains with land regardless of ownership, or
3. Leave as is.

Mr. Sonnen pointed out that there are provisions in this code for citizen who have questions about their property/wetlands to ask for a determination by county staff. Buffer should be based on the pre-enhancement condition. Even if regulations change the buffer is based on previous condition of wetland. Note that these were written with the idea that a citizen would come in to the County offices and ask how they can enhance their wetland, then previous condition of wetland could be document.
Commissioner Ottavelli stated that he was uncomfortable allowing individuals to “go backwards”. If wetland is improved, then a narrower buffer is allowed then individual is allowed to then get permits to build within what is now the actual buffer.

Following discussion the planning commission agreed to the following:

- The Planning commission agreed to allow language to be included in the public hearing draft.
- Buffer enhancement is part of ownership not with the land. Commissioner Lyman feels that the Planning Commission still needs legal advice regarding what can be included on the title.

Commissioner Lyman brought up the issue of when a wetland straddles property lines.

Grethen Lux stated that she has not seen many wetlands improving. Wetlands do change over time. They are dynamic and can be rated one way and 15 years would be rated differently.

Commissioner Bower posed question of how the edge of wetlands change through enhancement. Original buffer is now under water. How is buffer measured? Mr. Sonnen suggested that language be added to note that this doesn’t apply to hydrologic improvements.

17.15.900 (4) **Wetland complexes. After discussion, the Planning Commission decided to remove wetland complexes from the draft. (Refer to definition handed out at last meeting)**

17.15.900(B) **Standard Buffer Widths.** (refer to Table 9-1 Standard Wetland Buffer Widths, from Department of Ecology)

Establish buffer width based on upon functions and sensitivity of wetland you are trying to protect, only allow reduction if you have a low intensity use or it is in a degraded state and enhancement is done.

Table 9-1 in the code, under Category One - Wetlands that score 70 points are now rated as Category One based on function. They would not be considered Category One under current classifications.

For February 2nd, 2005
- Planning Commission should agree to Table 9-1 or the Table 9-1 from Department of Ecology
- Review what constitutes a “Low Intensity Use”, page 10 of document and reach agreement on this section 17.15.900 (C)(2).

5. **Calendar**

*Who will not attend the following upcoming Planning Commission meetings?*

1. February 2, 2005 – Topic Wetlands continued
   Joyce Roper and George Darkenwald will be absent
2. February 9, 2005 – Special Meeting: Topic Wetlands continued
George Darkenwald will be absent.

3. February 16, 2005 – Mineral Lands continued
Tom Cole will be absent.

6. Adjourn
The meeting adjourned at 9:30 p.m.

Liz Kohlenberg, Chair
Tom Cole, Co-Vice Chair
### REQUEST FOR INFORMATION
#### SUMMARY SHEET

<table>
<thead>
<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</th>
<th>STAFF</th>
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<tbody>
<tr>
<td>1/26/05</td>
<td>Field Trip when begin working on Development Code Docket or at least comprehensive maps</td>
<td>Chair Kohlenberg</td>
<td>Advanced Planning Staff/N. Pritchett</td>
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<tr>
<td>1/26/05</td>
<td>Creation of and maintenance of “Parking Lot” issue list that consists of issues that are brought up during meetings. This would consist of issues outside of the evening agenda but identified as issues the members want to go back to. NOTE: this is not part of the minutes but a separate document that is added to each meeting.</td>
<td>Chair Kohlenberg</td>
<td>TCPC recording member/chair</td>
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<td>1/26/05</td>
<td>Commissioner Cole has concerns for citizens and how they can find out if there are impediments as to what can be done with a piece of property</td>
<td>Commissioner Cole</td>
<td>Not identified</td>
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