THURSTON COUNTY PLANNING COMMISSION

Minutes
April 20, 2005

1. **Call to Order**

Chair Kohlenberg called the regular meeting to order at 7:02 p.m.

Commissioners present provided self-introductions.

   a. **Attendance**

   Members Present:  Liz Kohlenberg, Chris Lane, Margaret Paradise, Liz Lyman, Tom Cole, Bob Musser (7:03 p.m.), and George Darkenwald (7:04 p.m.).

   Members Absent:  Joyce Roper and Craig Ottavelli.

   Staff Present:  John Sonnen, Nancy Pritchett, Jennifer Hayes, Cindy Wilson, and Cheri Lindgren, Recording Secretary, Puget Sound Meeting Services.

   Others:  Tom Cook and Allen Miller.

   b. **Approval of Agenda**

   Commissioner Cole moved, seconded by Commissioner Paradise, to approve the agenda as presented.  Motion carried.

2. **Public Communications Not Associated With Topics for Which Public Hearings Have Been Held**

   There were no public comments.

3. **Approval of Minutes and Acceptance of Tapes from February 9, 2005, March 9, 2005, and March 16, 2005**
Commissioner Lyman moved, seconded by Commissioner Cole, to approve the minutes of February 9, 2005 and accept the tapes as the official record.

The following corrections were requested to the minutes of February 9, 2005:

Commissioner Lyman commented on item a, page 2 that states, “Capacity improvements that would expand County roadways into wetlands or other critical areas.” She said she believes the statement should reflect that “capacity improvements that would necessitate County roadways into wetlands or other critical areas.”

Mr. Sonnen clarified Mr. Rancor was the possible need for new or expanded roads in wetlands buffers and that Commissioner Kohlenberg brought up the concern of needing new road projects to accommodate increasing population and heavier traffic volumes. Chair Kohlenberg stated the Commission believes it is an issue that should be reviewed and that is why it was added to the “The Parking Lot.” She suggested amending the minutes to read: “Review the cumulative affect of development on roads through critical areas.”

Commissioner Lyman requested the following additional changes:

- Reference to “Wein” in bullet e, on page 2 should be changed to “WEAN”
- The word “addition” in bullet f, on page 2 should be changed to “additional”

The motion carried as amended.

Commissioner Cole moved, seconded by Commissioner Lyman, to approve the minutes of March 9, 2005 and accept the tapes as the official record.

Commissioner Lyman requested the following changes to the minutes of March 9, 2005:

- On page 3, the third bullet should be deleted; and
- Page 3, the fifth bullet from the bottom refers to a simplified checklist or executive summary could be included at the beginning of the mitigation section. The intent is to include the summary at the beginning of the document.

Commissioner Cole requested the 6th bullet on page 4 read in part as follows: “Mr. Sonnen suggested including language on page 75 that addresses applicants demonstrating…”

The motion carried as amended.

Commissioner Lyman moved, seconded by Commissioner Cole, to approve the minutes of March 16, 2005 and accept the tapes as the official record.

Commissioners agreed to strike the reference to “50” in item 1, on page 7 of the March 16, 2005 minutes.
The motion carried unanimously.

4. **Briefing/Set Hearing: Open Space Application**  
   *Staff: Jennifer Hayes*

Ms. Hayes reported the proposed request concerns a 15-acre property on Mud Bay owned by Carolyn Dobbs and Russ Fox.

Commissioner Cole questioned whether a staff briefing is necessary if the Commission has read the information. Commissioner Lyman indicated a briefing may be necessary if there are questions. The Commission agreed to a question/answer format. Ms. Hayes relayed there is quite a variety of landscapes and eco-systems represented on the subject property. She recommended setting a June 1, 2005 public hearing date.

**Commissioner Lyman moved, seconded by Commissioner Musser, to set a public hearing for the open space application, Case No. 2004106060, for 7:05 p.m. on June 1, 2005. Motion carried.**

Commissioner Cole indicated he will be unable to attend the June 1, 2005 meeting.

5. **Briefing: Critical Areas – Geologic Hazards**  
   *Staff: Nancy Pritchett*

Ms. Pritchett reported Allen Miller will be available to answer questions in response to the Planning Commission’s request for information regarding being conservative in the absence of best available science. He will be discussing the relevance of a Mason County court case. Chair Kohlenberg referred to a request by Commissioner Ottavelli to provide additional information pertaining to the definition of “acting conservatively” in the absence of best available science (BAS), and specifically how to quantify “conservatively.”

The Planning Commission began its review of geologic hazards. Ms. Pritchett advised she spoke with the county’s CTED representative who has indicated a 50-foot setback is considered prudent and reasonable, should the Commission decide to include it in the documentation.

Commissioner Lyman introduced the County’s Environmental Planner, Cindy Wilson.

Ms. Pritchett reviewed materials for the briefing:

- Attachment A: Defining Toe and Top of Slope; Diagrams: Toe and Top of Slope; Landslide Hazard Areas 15%-39% Slopes; and Steep Slopes 40% Slope or Greater;

- Attachment B: How to Address “Benches” or “Breaks” (Interim Areas) in Landslide Hazard Areas; Diagrams: Interim Areas Between Landslide Hazard Areas – Alternative A and Alternative B; and
• Attachment C: Buffers for Landslide Hazard Areas and Marine Bluff Hazard Areas; Diagrams: Buffers for Landslide Hazard Areas; Marine Bluff Hazard Area.

Staff presented definitions for "toe of slope" from Pierce County and King County. Ms. Pritchett reviewed the proposed changes to Thurston County’s current definition and the three diagrams. Discussion followed about the example provided on the “Toe and Top of Slope” diagram.

Staff has included language in the proposed definition, which enables application of toe and top of slope to that type of landslide hazard area and provisions for geotechnical assessments. An explanation of “ten feet or more vertically within a horizontal distance of twenty-five feet” requirement has been included. The same changes have been incorporated into the “Top of Slope” definition for the same reasons.

Ms. Pritchett referred to Attachment B. The term “interim area” has been added and a definition included. Additional language to the definition addressing interim areas has been provided.

Brief discussion followed of recommended buffers and benches or breaks within the Carlyon Beach area. Commissioner Cole relayed the structure of the ground on the slope is a factor. Ms. Pritchett stated if the slope is 40% or more regardless of soils, seeps or springs, it will trigger review. The Planning Commission agreed the diagrams are very helpful.

Ms. Pritchett reported landslide and marine bluff hazard areas are defined differently. Staff presented four alternatives for discussion related to buffer widths for landslide hazard areas. The Thurston County Building Official does not support alternative #2 because it is rarely used in practice (setbacks are typically further away).

Discussion related to native vegetation, removal of dangerous trees, and trees that are not wind firm followed. Commissioner Cole referred to a case where the County would not permit the applicant to cut down trees, as this would constitute removal of native vegetation. However, at some point trees grow up and become sails. The wind takes the tree and knocks it over, which in turns loosens the ground and causes a landslide. Commissioner Cole asked whether language could be included for cases where removal of dangerous trees is wise.

Ms. Pritchett replied most slopes are heavily treed and provides a stabilizing influence for slopes and that the purpose of a buffer is to provide protection from slides.

Commissioners requested staff develop language allowing for removal of wind throw trees when appropriate.

Ms. Pritchett stated there is no minimum buffer provided in proposed alternative #3. The language opens up requiring an assessment for each project. Alternative #4 requires the buffer to be the greater of either 50 feet from toe and top of slope, or a ratio of 2:1. Staff suggests the requirement could apply to landslide hazard areas as well. If the Commission wishes to include a minimum buffer, 50 feet has historically been used. Language is also proposed stating a required buffer is the minimum distance recommended by a geotechnical professional in the
geological assessment, measured from the toe and top of slope. Chair Kohlenberg asked if the regulation could be written in such a way that references areas where landslides have occurred.

Chair Kohlenberg stated alternatives #2 and #4 are quite similar. If the Commission wishes to change the buffer based on the height of the slope, one of the alternatives could be used. Alternative #3 eliminates a minimum buffer and a geological assessment is required for each property. Alternative #1 modifies the existing buffer requirement to have the same buffer width at toe and top.

Commissioner Cole suggested language supporting a 50-foot buffer that could be adjusted based on a geological assessment. The criteria should include evaluation of dangerous and wind sail trees, and any additional assessment caveats.

The Commission concurred to eliminate from consideration, Alternative #3, requiring a geological assessment for all landslide hazard areas.

Commissioner Paradise commented “approved” rather than “native vegetation” is proposed for marine bluff hazard area buffers. Commissioners discussed the ability of native and non-native vegetation to provide slope stability and habitat value. Commissioners requested including language addressing a re-vegetation plan of native vegetation only when something has been disturbed.

Ms. Wilson stated a hierarchy list of approved vegetation and their advantages would be helpful.

Mr. Sonnen stated BAS suggests native vegetation is preferable as it is tied to wildlife use. Also, some native vegetation is drought tolerant. He suggested the language should be section specific. It is clear in the literature that some non-native vegetation does a superior job to native vegetation in filtering out sediments and pollutants. If habitats are involved, vegetation to support the habitat is appropriate.

Commissioner Cole suggested including the following language: “A slope holding root structure with preference toward native vegetation.”

Commissioners discussed including a 50-foot buffer. Chair Kohlenberg said she is comfortable with the buffer width for shallow debris slides, however, a 75-foot buffer would provide a larger margin for error. Discussion of the 2:1 ratio, and the 200-foot buffer along the Nisqually bluff followed.

Chair Kohlenberg stated alternative #4 permits a wider buffer with a steeper slope and appears to be the most restrictive alternative. Commissioner Lyman asked whether language addressing the buffer width measured from the toe as well as the top of the marine bluff should be included. Commissioner Cole added insurance companies are interested if a home is located within a mudslide area with a bank above.

The Commission suggested a 2:1 ratio at the toe as well. Ms. Pritchett stated if information
suggests this is not satisfactory, staff will bring it back to the Commission.

Commissioners concurred to amend the third item listed under alternative #4 to include language similar to: “If there is no other alternative to develop further than 50 feet, the minimum distance could be that recommended by the geotechnical professional in the geologic assessment, measured from the toe and top of slope, with third party review, provided there will be no adverse cumulative impacts to the stability of the slope or the people at the bottom of the slope from additional stormwater as the result of the proximity of the structures to the slope.”

Commissioners and staff discussed the need to reference the county’s administrative chapter regarding the buffer variance procedure. Staff agreed to provide the correct reference.

Commissioner Cole said the language allowing an exception to buffers provided for trees subject to wind throw should be included in alternative #4.

Commissioner Lyman requested adding item 3, in alternative #1, “The review authority may also reduce the buffer only as provided in TCC Sections 17.15.415 and 17.15.420” as item 4, under alternative #4.

Commissioner Cole suggested the Commission retain the 50-foot buffer, and then it has to be shown a reduced buffer is acceptable to the County.

Mr. Sonnen stated the intent is to avoid a hazardous situation. If the foundation is constructed on solid materials that aren’t going anywhere, it doesn’t matter if it’s at the brink of a slope or 20 feet back. Discussion of cumulative impacts of development followed.

Commissioner Cole suggested language to include the effects of increased stormwater could be added. The individual conducting the third party review hopefully will be able to catch any deficiencies that could then be corrected and/or adjusted.

Further discussion of amended language for #4 under alternative #4 ensued. Chair Kohlenberg stated there is a nice set of statements in the marine bluff section stating what the geologic assessment should cover. Ms. Wilson stated it may be the report requirements will be more specific that when reference is made to “geologic assessment” criteria are already established. Mr. Cole added as long as adjacent properties are included without going into specific criteria such as stormwater, because the criteria could cover any number of things related to cumulative impacts on adjacent properties.

Commissioners reviewed marine bluff hazard area buffers. Commissioner Cole requested including wind sail language. Discussion of adding the geologic assessment language, habitat, and the habitat boundary ensued. Mr. Sonnen stated there is language in the administrative section that provides a requirement to implement the most protective of the regulations. Staff will incorporate appropriate cross-referencing.

Commissioners agreed to retain a 50-foot buffer, include the geotechnical assessment language
similar to that developed for the landslide hazard areas, and retain the reference to the marine
shore habitat. Ms. Pritchett stated the current definitions for toe and top of marine bluff hazard
areas and toe and top of steep slope have been combined to toe of slope and top of slope. There
may be a way to combine them and break out the piece pertaining to marine habitat. Staff will
follow up.

The Commission reviewed seismic hazard areas beginning on page 27 of the Committee Draft of
Best Available Science dated March 10, 2005. Staff presented two maps: Liquefaction
Susceptibility Map of Thurston County; and Volcano Hazards from Mount Rainier, revised
1998.

Staff proposes to reference the liquefaction map in the seismic hazard areas definition. The
Department of Natural Resources (DNR) has requested the County add surface faulting to the list
of seismic hazard areas. Staff proposes to include a reference to the Mount Rainier map on page
30 with the proposed definition for volcanic hazard areas. Staff proposes to strike the language
referring the 500-foot floodplain. Mr. Sonnen stated staff can tailor the Mount Rainier map to
be more specific for Thurston County. Larger scale maps will be available for the open house.

Commissioners and staff reviewed mine hazard areas. Staff is proposing two alternatives for
consideration. One is to include criteria “within 200 feet of mine working or air shafts” or
“directly affected by.” A 200-foot measurement would apply horizontally and vertically.
Mining operations took place in Tenino and Bucoda. Discussion of the 200-foot measure, extent
of the old mines and tunnels, and the possibility of including maps followed. Staff will research
and follow up with available mapping documentation. Mr. Sonnen added the county has maps
showing the point locations but not the actual mine records showing the networks.

Staff will provide Commissioner Musser with copies of the draft ordinance and BAS documents
that are currently under review. Staff and Commissioners discussed procedures related to
providing materials to members who are absent.

The Commission concurred to continue review at its next meeting, as some members did not
possess the ordinance materials.

6. Staff Updates

The Planning Commission extended congratulations to Mr. Sonnen. He has been hired as the
Long Range Planning Manager for Thurston County. Mr. Sonnen stated he will assume liaison
responsibilities to the Planning Commission following the meeting.

Commission Lyman asked if new Commissioners would like a primer on the critical areas issue
outside of the regular meeting so they may be more comfortable making decisions. Mr. Sonnen
suggested meeting an hour before a regular meeting. Staff will follow up with a mutually
agreeable date.

In response to a question from Commissioner Cole, Mr. Sonnen said the anticipated timeline for
scheduling the open houses for the north and south county areas is June or July. Following the
open houses, the Planning Commission will hold its public hearing and work sessions to consider any necessary modifications. The ordinance will be forwarded to the County Commissioners for review, public hearing and action.

Staff and members discussed potential critical areas agenda items for the next meeting.

Legal Advisor Allen Miller arrived. Chair Kohlenberg reported the Growth Management Act dictates that in the absence of BAS, regulations should be conservative. She indicated the Commission has questioned the definition of “conservative” and whether there is case law regarding the issue.

Mr. Miller reported on the Western Growth Management Hearings Board case with Mason County. The case deals with the specific issue of landslide hazard areas. A geologist submitted for the record a buffer of 50 feet as being minimal and 300 feet was considered conservative as a trigger for review. Mr. Miller stated his recommendation is to have a geologist submit what they consider a conservative buffer. The Western Growth Management Hearings Board approved the minimal 50-foot buffer and approved Mason County’s determination that any development 250 feet outside of that buffer would be required to submit a geotechnical report; i.e., for a distance of 300 feet from the landslide area itself a development proposal would have to submit a geotechnical report. Ms. Pritchett added the review is triggered at 300 feet.

In reply to a question from Chair Kohlenberg, Mr. Miller said there is no other case law concerning the issue. Mason County contracted with Marty McCabe, a consultant for Dames and Moore. Mr. McCabe has stated he now believes the 150-foot distance is probably too short considering that landslide prone areas are typically a continuance over a distance of at least 500 feet. The consultant goes on to say a more sensible distance for triggering might be 300 or 400 feet. Mr. Miller stated the County should be conservative with what’s in its records as this will be the basis of any appeal.

Ms. Pritchett stated page 21 of the BAS document includes the citation information. Mr. Miller provided the Case Number, 95-2-0073, and it’s a July 13, 2001 Compliance Hearing Order. Mr. Sonnen stated staff will e-mail the actual decision to the Planning Commission.

Mr. Allen confirmed the Board did again state specifically that Mr. McCabe, the geologist, stated very clearly in the record that 300 feet is a sensible distance for triggering geotechnical studies. The Western Growth Management Hearings Board infers that the sensible 300 or 400 feet triggering distance includes the 50-foot buffer.

7. Calendar
Who will be attending the following upcoming Planning Commission meetings?

April 27, 2005 – Briefing: Critical Areas – Geologic Hazards and/or Administrative Sections (tentative meeting) (Commissioner Darkenwald will not be attending; Commissioners Paradise and Ottavelli are tentative attendees at this time.)
May 4, 2005 – Briefing: Critical Areas – Administrative Sections/Follow Up Topics; Briefing: Dev Code Amendment – Manufactured Housing

May 18, 2005 – Briefing: Critical Areas – Follow Up Topics

NOTE: No additional Parking Lot Issues were added during the meeting.

8. **Adjourn**

Chair Kohlenberg adjourned the meeting at 9:20 p.m.

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Liz Kohlenberg, Chair
Tom Cole, Vice Chair

Prepared by: Cheri Lindgren, Recording Secretary, Amended May 18, 2005
Puget Sound Meeting Services
<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>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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<tr>
<td>2/16/05</td>
<td>TCPC participate in the CFP process or comments</td>
<td>Commissioner Lyman</td>
<td>John Sonnen/Mark Swartout</td>
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<tr>
<td>2/16/05</td>
<td>Balancing GMA goals with the WEAN decision</td>
<td>TCPC</td>
<td>J. Sonnen</td>
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<tr>
<td>2/16/05</td>
<td>Requested advice on whether legal council should be present at public hearing</td>
<td>TCPC</td>
<td>J. Sonnen</td>
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<tr>
<td>2/16/05</td>
<td>Revised Draft Work Plan for Advance Planning</td>
<td>Commissioner Kohlenberg</td>
<td>J Sonnen</td>
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