THURSTON COUNTY PLANNING COMMISSION

Minutes
September 21, 2005

1. Call to Order

Chair Kohlenberg convened the regular meeting of the Thurston County Planning Commission at 7:06 p.m. Members provided self-introductions.

a. Attendance

Members Present: Liz Kohlenberg, Tom Cole, Joyce Roper, Liz Lyman, Rhenda Strub, Craig Ottavelli, and Bob Musser (7:50 p.m.).
Members Absent: George Darkenwald and Chris Lane.
Staff Present: John Sonnen, Mark Swartout, Dave Burns, Jennifer Hayes, Scott Clark, and Cindy Wilson.

b. Approval of Agenda

Commissioner Lyman moved, seconded by Commissioner Ottavelli, to approve the agenda as presented. Motion carried.

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

Allen Corwin, 2842 Nisqually View Loop NE, Olympia, Public Utility District (PUD) Commissioner, said the PUD is a water utility with 3,100 customers serving mostly rural customers. The PUD does have a major system in the Tanglewilde/Thompson Place area. He said his purpose for speaking is to inform the Planning Commission about the PUD. Mr. Corwin said he is interested in participating in the County’s comprehensive plan update process at the appropriate time. Mr. Corwin said one of his assignments is serving on the McAllister Sub-Basin Planning Committee. He is also chairman of the Nisqually Plan Committee. He asked the Planning Commission to include the committee as appropriate in its upcoming work tasks. A brief discussion followed between Mr. Corwin and the Commission about scheduling a briefing in the future.
Commissioner Roper said she has copies of a public health publication distributed at a conference that may be of interest to the Planning Commission.

3. **Approval of Minutes and Acceptance of Tapes from July 6, July 13, and September 7, 2005.**

The following change was requested to the minutes of July 6, 2005:

- Rephrase the second sentence in the fourth paragraph from the bottom of page 4 to read, “… interested in the values that involve the protection of water…”

The following changes were requested to the minutes of July 13, 2005:

- On page 2, in first paragraph, strike the sentence, “Previously the Commission voted 5-2 to include both options.”
- On page 2, at the end of the first paragraph, rephrase “staff agreed” to revise the sentence to read, “the staff will reflect that in the new draft.”
- On page 4, in the last line in the third paragraph, the Commission requested staff review the tape to ascertain the correct terminology was referenced regarding the use of Farm Management Plan versus Best Management Practices.
- On page 7, within the second paragraph, sixth line, change “wetland mitigation” to “wetland banking”.

The following change was requested to the minutes of September 7, 2005:

- On page 4, in the sixth paragraph at the end of the discussion Mr. Sonnen indicated staff would provide a list of additional items. However, the action plan noting the action is not attached to the minutes.

**Commissioner Ottavelli moved, seconded by Commissioner Roper, to accept the tapes and approve the minutes of July 6, July 13, and September 7, 2005 as amended.** Motion carried.

4. **Briefing/Set Hearing: Capital Facilities Plan (CFP)**

*Staff: Mark Swartout*

Mr. Swartout introduced Director of Central Services Bill Phillips and Corrections Chief Deputy Karen Daniels. At the last meeting, the Planning Commission addressed questions about the Accounting and Restitution Center (ARC) and the accuracy of some of the projections.

Commissioner Cole expressed concerns regarding operating costs associated with a $21.5 million budget. It appears the operating costs are greater than those associated with the Tyson building based on the ARC activities and its proposed location. Another matter is the revised figures do not appear to reflect the original figures on page 6-8.
Ms. Daniels presented population projections through 2025 and a Thurston County corrections facility fact sheet. Staff is revalidating the projections to accurately reflect current policy and trends in terms of the inmate population. The population worksheet breaks down the inmate population by male and female prisoners into maximum, medium, and minimum supervision and work release. Since 1999, the County is not booking misdemeanant prisoners from Lacey, Olympia, Tumwater, Yelm, Rainier and Tenino. Consequently, the population is lower. The population projections reflect a peak population and an average daily population (ADP). The peak population is used in jail planning to effectively evaluate incoming prisoner needs and risks. Staff uses the population projections to develop a bed plan for assignment of inmates. Medium and minimum security inmates are placed in dorms. Corrections staff views the ARC facility as phase 1 of a comprehensive jail plan. It will provide the needed infrastructure to operate a safe and secure facility. A critical issue is whether local cities will resume booking prisoners into the County jail.

Ms. Daniels said the County jail was built in the 1970s for approximately 80 inmates. She reviewed building improvements for increasing the total number of beds to 408. However, the infrastructure has not changed. Bookings have reached 5,000 a year. In total, there are only 80 cells in the entire facility located on three tiers. The third tier houses maximum-security inmates, who are dangerous.

The County believes it has an opportunity to impact inmate behavior and attitudes and has designed in-custody programs accordingly.

Commissioner Cole inquired whether the $21.5 million cost is realistic and what the net difference is between estimated annual operating costs compared to the current annual expense. Mr. Phillips said $21.5 million represents the bonding capacity available using the detention sales tax. Staff is developing a program and has hired a firm to determine what can be built within the range of the funding availability. Staff has requested the consultant to provide information about the layout of the facility in terms of programs and the goals that have been established. The $21.5 million is essentially a placeholder and represents the amount the County can expend. The Mottman site offers expandability of a facility. Eventually, the County would prefer consolidating facilities to avoid operating three facilities. Ms. Daniels said regrettably, the County will have to operate two facilities, which is not an ideal situation for jail administrators. Adequate space efficiently designed is critical, as well as identifying which facility an inmate should be transferred to in terms of programs and pre-trial releases at booking.

Commissioner Cole asked whether it is fair to consider that the County is unsure whether $21.5 million is adequate. Ms. Daniels said staff can make it work, but it will be difficult given the transport issue. Commissioner Cole asked whether staff has an estimate of the increased annual expenses to operate two different facilities. Ms. Daniels said staff has a preliminary bed plan, budget, and cost/inmate for each facility. However, she is unhappy with the projected bed plan. The consultant will re-analyze population projections and design a bed plan that meets the County’s needs as well as determine how to transport inmates. When the bed plan is complete, staff can determine where inmates will be housed and the transport needs. This equates to
staffing needs, which will determine the operating budget. When the information is available, staff can share it with the Planning Commission. Commissioner Cole commented the operating costs in the old study were very high.

Mr. Phillips said two facilities will cost more than one. Two facilities mean a large inmate population, which translates into more staff and a larger operating budget. Staff is attempting to find a facility that will meet the County’s needs and maximize staff and economize the facility.

Commissioner Lyman said the bottom line is that the County can’t get away from two facilities. If the County doesn’t move expeditiously there may be other repercussions. Commissioner Cole said the costs associated with operating the facilities should be in the public domain and there shouldn’t be hidden costs.

Commissioner Bob Musser arrived.

Commissioner Roper asked whether the figures on page 6-8 will be modified. Mr. Phillips replied staff will correct the numbers. The figures represent a study that was completed 10 years ago.

Mr. Swartout presented members with a list of grant programs that may be in jeopardy in light of the recent Growth Management Hearings Board decision. He has requested staff provide him with information about any anticipated 2006 revenues that might have been received from the programs.

Commissioners and staff discussed the importance of timing issues and scheduling a public hearing for the CFP.

5. **Briefing: LAC-1: Lacey Housing & Utilities Chapter Updates**  
   *Staff: Dave Burns, City of Lacey, and Jennifer Hayes*

Mr. Burns provided the Planning Commissioners with a handout outlining the proposed amendments:

- Amendments include changes to both the joint Housing and Utility Elements.
- Overall, both sets of amendments are considered housekeeping.
- The amendments do not result in strategy changes but are demographic updates and housekeeping changes.
- The Housing Element amendments include changes necessary to meet state law regarding manufactured housing.

Mr. Burns said the Planning Commission reviewed the housing amendments, held a joint hearing, and recommended approval to the County Board of Commissioners. Unfortunately, it was never acted upon. Because of an oversight it wasn’t advertised for the Board’s hearing. For process reasons, it is being presented to the Planning Commission. The only change that has occurred is the manufactured housing version, which is detailed in a different handout. Mr.
Burns reviewed the 2003 housing amendments:

- They are demographic housekeeping update changes only. The demographic information had not been updated since 1994.
- All of the housing strategies applied in 1994 were reviewed and determined to be appropriate for the update with some minor changes reflecting implementation status.
- Overall, Lacey has been successful in providing opportunities for development of a full range of housing throughout the City and its growth area.
- In the update the element received little attention.
- With the rapid changes in the housing market over the last two years, some of the updated information is already outdated. However, it reflects the existing picture much better than the 1994 element the County currently has on the books.

The 2005 Housing Elements – Manufactured Housing amendments include:

- Jurisdictions are required to treat manufactured housing the same as site built housing.
- Lacey amended its housing element goals and policies to reflect the new requirements. Lacey amended its zoning code and other requirements to implement the policies.
- Lacey added changes in definitions discussing manufactured housing and changed a goal and policies that had distinguished manufactured housing from site built housing. The revised plan is consistent with state law.
- The jurisdictions are fairly consistent with how they are implementing the new law.

A brief discussion followed about older mobile homes not meeting either HUS or building code standards, manufactured housing that meet Federal codes, and site built housing that is required to meet requirements of the International Building Code. An option available to jurisdictions is whether to allow manufactured homes as accessory dwellings. The Lacey City Council did not allow accessory dwellings. State law did not impact protective covenants that restrict residential development to site built housing. However, cities will not enforce private covenants. A brief discussion of drafting new and modifying existing covenants ensued. Ms. Hayes added that the Planning Commission is reviewing the policy language that’s behind the regulatory changes Lacey has made. The County has not initiated changes for the urban growth area (UGA). Manufactured homes are allowed in rural areas.

Commissioner Lyman asked if there are definitions for extremely low to high-income housing. Mr. Burns replied the range is based on completed federal studies based on a family’s income. Staff could include the amount of housing in each category. Current goals allow for inclusionary zoning. Commissioner Lyman referred to Goal #5, policy a, and inquired how the policies are balanced by other sections of the comprehensive plan, such as considering environmental concerns. Mr. Burns replied the policy is balanced with Lacey’s environmental protection resource conservation planning. Discussion of encouraging versus requiring inclusionary issues and policies ensued.

Staff and Commissioners discussed section C, Goal #1, b, Mobile homes should not be permitted because of safety issues, and whether modifications to a mobile home are allowed. Mr. Burns
clarified existing mobile homes are vested. However, if it is moved, a replacement mobile home is not allowed. However, a manufactured home is allowed. A modification to a mobile home could bring that part of the structure up to code.

Discussion ensued about stringent design standards versus low impact development. Mr. Burns reported that when Lacey developed its housing element it had not yet adopted its low impact ordinance. The intent is to encourage quality neighborhoods. Low impact development is allowed to vary from standards provided other criteria are met. Staff can include language encouraging low impact development that may not meet all of the standards.

Staff and Planning Commissioners discussed energy efficient and solar access homes, tree density, and promoting house designs for individuals with disabilities.

Ms. Hayes reviewed the changes suggested by the Planning Commission:

- Add policy language that provides flexibility of the stringent design standards for low impact development. Staff will develop the language.

Mr. Burns provided background information for the Utilities Element:

- The County currently has a joint Utility Element it adopted with the City of Lacey in 1994. It has not been updated.
- The City worked with Puget Sound Energy (PSE) in updating the element.
- Changes include demographic information and housekeeping changes such as company names and new projects.
- One new goal and policy was added speaking to the need for new developments to provide areas for utility upgrades needed to serve development.

Chair Kohlenberg inquired whether the cell tower regulations apply to areas outside of the UGA. Ms. Hayes replied the codes are specific to the UGA and rural areas. When Lacey proposes changes, the County evaluates the changes. Mr. Burns said language stating the County has adopted legislation could be added.

Commissioner Lyman referred to the manufactured home amendment and a paragraph referencing Lacey’s geologically sensitive areas. The County’s critical areas should also be referenced. Ms. Hayes responded that with all joint plans staff has a mechanism to indicate where the County deviates from the Lacey language or does not adopt the same policy. Staff verified the reference could be included.

Commissioner Roper referred to the first paragraph on page 9, “Federal legislation has preempted local government agencies from considering EMF impacts during land use decisions.” She asked if the legislation is specific to electrical companies. Mr. Burns replied it refers to electromagnetic radiation and potential cancer causing issues associated with power lines. Discussion ensued whether the pre-emption is meant for cell towers. Mr. Burns said staff will review the federal legislation.
Commissioner Lyman asked if PSE’s Thurston County GMA Electrical Facilities Plan dated March 1993 is the most recent plan. Mr. Burns said it is the most current plan adopted.

A brief discussion ensued about protection of existing corridors. Ms. Hayes stated the policy language on page 11 states, “Alternative corridors should be designated to provide flexibility for development in the future.” The narrative speaks to protecting existing corridors, but the policy provides flexibility when necessary.

Commissioner Ottavelli commented that the information on the second page of the Utilities Element needs updating.

Commissioner Lyman suggested the last sentence in paragraph 5 on page 3 be rephrased to say, “However, in a case like this the City may seek permission from the land owner if the proposed use were compatible with the existing use by the utility” or something similar.

Ms. Hayes said staff will reflect the requested changes in the public hearing draft.

6. **LAC-2: Lacey Village Centers Rename to Urban Centers**  
   *Staff: Dave Burns, Jennifer Hayes*

Ms. Hayes reported the amendment is housekeeping in nature. In 2003, the County and Lacey updated the land use section with new language for “Village/Urban Centers.” The only change needed is to ensure the zoning map and comprehensive plan are consistent and renaming “Village Center” to “Village (Urban) Center” on the Zoning Map for the Lacey urban growth area. Additionally, include an addition of a note to the Thurston County Zoning Map-North County UGAs as described above.

A brief discussion followed about the location of the Lacey urban growth boundary along the Nisqually Bluff. Mr. Burns said Lacey has always considered the boundary to be on the bluff. However, 1994 topography and photographs were not accurate. More recently, County staff has determined it is 200 feet back from the bluff. The issue is before the hearing examiner for resolution. Mr. Sonnen added legal staff reviewed the documents. The legal opinion is that it is the bluff.

7. **Grand Mound Water System Service Area**  
   *Staff: Scott Clark*

Mr. Clark reported the Board of County Commissioners authorized extensions of water service outside the Grand Mound UGA provided the developer meets certain conditions:

- Construct the water system infrastructure to service the development
- Provide a water right adequate to service the development
- Pay an “Equivalent Service Extension Charge”
- Pay an additional capacity charge to fund future utility growth generated by the
The process to extend the service area requires demonstrating to the State Department of Health (DOH) that it is consistent with the County’s current land use and comprehensive plan. Thurston County planning staff found the amendment consistent. DOH approved the service area amendment. Mr. Clark pointed out the 102 acre area on a display map and reviewed the UGB and new water system service area and zoning. He reviewed background information regarding the equivalent service extension charge, which is roughly equivalent to the Grand Mound Utility Local Improvement District (ULID) assessment paid by property owners within the ULID. Mr. Clark provided a history of the case.

The new water system plan for Grand Mound is due September 30, 2005. A public hearing was held on development rates and construction standards. The fees and standards are scheduled for the County Board of Commissioner’s review on October 3, 2005.

Thurston County Environmental Health has ruled north of the Grand Mound UGA as a Category I sensitive aquifer because of high nitrates. The zoning is 1-6 units an acre but can be developed at only one unit per acre without water and two units per acre with water. However, if a developer provides public water, the density is higher. The sewage issue has not been addressed, which creates the nitrate problem. He pointed out the proposed future urban service area north of 193rd Avenue. Sewer cannot extend beyond the UGA. Each house will have an individual septic system. Discussion of extending water utilities outside of the growth areas, cumulative effects of nitrate contamination, and the Tribe’s resort project ensued.

8. **Briefing: QJ-1: Lacey UGA Rezone**  
   **Staff: Cindy Wilson**

Ms. Wilson reported the amendment is to redesignate and rezone a portion of an 8.59 acre property located in the Lacey UGA on the east side of Sleater/Kinney Road. The applicant is requesting rezoning of the three acres from Moderate Density (MD) Residential to Low Density (LD) Residential, 3-6 units an acre. The western portion of the property is relatively narrow. The property runs between Sleater-Kinney to Abernathy Road. A 50 to 60 foot right-of-way (ROW) will be required through the subject parcels from Sleater-Kinney Road to Abernathy Street to accommodate proposed development. The ROW will consume a good portion of the western parcel. Under the current MD zoning, the property could not be subdivided into single-family lots and meet minimum lot sizes. The properties immediately to the north are zoned LD and the properties to the south are zoned MD.

A potential wetland lies to the north and will require evaluation with any development. Water is available to 18th Avenue and sewer is currently located between 6th and 15th Avenues along Sleater-Kinney. The applicant has indicated he is willing to extend utilities to the site.

**Commissioner Ottavelli moved, seconded by Commissioner Lyman, to schedule the Capital Facilities Plan, LAC-1 – Lacey Housing & Utilities Chapter Updates, LAC-2 – Lacey Village Centers Rename to Urban Centers, Grand Mound Water System Service Area, the**
QJ-1 – Lacey UGA Rezone, and the Olympia Joint Plan for a public hearing on October 19, 2005 at 7:05 p.m. Motion carried.

Mr. Sonnen reviewed the distinction between legislative and quasi-judicial actions for the benefit of new Planning Commission members.

9. **Staff Updates**

Mr. Sonnen provided staff updates:

- The County Board of Commissioners held a public hearing on the development moratorium on September 12, 2005. A majority of the public was supportive.
- On September 19, 2005, the County Board of Commissioners received a PowerPoint presentation on the identification of parcels to complete a rural rezoning study area. In reply to a comment from Commissioner Roper, Mr. Sonnen said staff plans to present the PowerPoint presentation to the Planning Commission. In November, the County Board of Commissioners will consider alternatives for identifying areas for possible release from the moratorium. The County Board of Commissioners discussed several options for rural rezoning and wants to forward all alternatives to the Planning Commission for consideration. The Planning Commission will invite public input on the alternative study areas. Following that, the Commission will forward a study area recommendation to the County Board of Commissioners.

Commissioners and staff discussed methods to engage the public.

10. **Calendar**

_Who will not attend the upcoming Planning Commission meetings?_

- **September 27 – Critical Areas public hearing**
- **October 5 – No meeting (Commissioner Cole unable to attend)**
- **October 12 – Rural Areas Rezoning Presentation**

Staff and Commissioners discussed upcoming priorities, the deadline to complete the Critical Areas Ordinance, and whether to meet on October 5. Mr. Sonnen suggested scheduling rural areas rezoning elements for the first part of the October 12 meeting. The Planning Commission would then have the next month to work on critical areas. Chair Kohlenberg suggested staff forward any information related to involving the public that is prepared in advance of the October 12 meeting to members.

Staff and Commissioners discussed scheduling one-half or longer day sessions to address critical areas rather than scheduling additional evening meetings. Chair Kohlenberg suggested staff follow up with members via e-mail on which Saturdays and/or evenings in October would work best.
Commissioner Lyman asked about the status of Thurston Regional Planning Council’s analysis of the impact of critical areas on available buildable areas. Mr. Sonnen replied staff is working with the Department of Ecology (DOE) in reviewing and rating the wetlands using the current buffers as a base, and what the wetland would likely rate under the new regulations. The information should be available next week. The effort includes the County, Olympia, Tumwater and Lacey to ascertain the overall impact of critical areas on buildable lands.

Staff and Commissioners discussed the lack of support from legal counsel. Commissioner Lyman said it was unfortunate legal staff was not available at the critical areas public hearings, knowing that it was a highly contentious issue. The Planning Commission should have more access to the Prosecuting Attorney’s Office. Mr. Sonnen said legal staff is willing to attend with notice. Legal staff resources are limited at this time.

Commissioners asked Commissioner Lyman to draft a letter to the County Board of Commissioners requesting the Board intercede on behalf of the Planning Commission to receive additional legal support.

11. **Adjournment**

Chair Kohlenberg adjourned the meeting at 10:06 p.m.

Liz Kohlenberg, Chair
Tom Cole, Vice Chair

Prepared by Cheri Lindgren, Recording Secretary, Amended July 19, 2005
Puget Sound Meeting Services