THURSTON COUNTY PLANNING COMMISSION

Minutes
December 7, 2005

1. Call to Order

Chair Kohlenberg called the December 7, 2005 regular meeting of the Thurston County Planning Commission to order at 7:00 p.m. Everyone provided self-introductions.

   a. Attendance

   Members Present: Tom Cole, George Darkenwald (7:08 p.m.), Liz Kohlenberg, Liz Lyman, Craig Ottavelli, and Joyce Roper.
   Members Absent: Chris Lane and Rhenda Strub.
   Staff Present: John Sonnen, Nancy Pritchett, Katie Knight, Cindy Wilson, and Cheri Lindgren, Recording Secretary, Puget Sound Meeting Services

   b. Approval of Agenda

   Commissioner Cole moved, seconded by Commissioner Musser, to approve a revised agenda: add an update of the Board of County Commissioners critical areas briefing to staff updates. Motion carried.

2. Public Communications

There were no public comments.

3. Public Hearing/Action: Open Space Applications
   (Staff: Cindy Wilson, Katie Knight)

Chair Kohlenberg opened the public hearing at 7:05 p.m. Ms. Wilson provided a brief overview of the request from Arlene Jasmer-Davidson to transfer 33.08 acres on 146th SW from Current Use-Farm and Agriculture Program to Open Space-Open Space. A separate parcel contains the residential structures.
There was no public testimony.

Ms. Knight reported David and Patricia Deal own 9.85 acres in southwest Thurston County and are requesting a transfer from the Current Use-Farm and Agriculture to the Open Space-Open Space Tax Program. The land no longer qualifies under the income requirement. The father owns the adjacent property. The Deals still cannot qualify with the income requirement unless they have an official lease set up with the father. The applicant is agreeable to the Open Space-Open Space Program. The Deal’s have a horse pasture they want to develop into a hay field and transfer into the Current Use-Farm and Agriculture Program in the future. The 8.35 acres of land consists of Christmas trees, hayfield, and horse pasture. The 1.5-acre home site is excluded from the application.

There was no public testimony.

Chair Kohlenberg closed the public hearing at 7:09 p.m.

Commissioner Ottavelli moved, seconded by Commissioner Cole, to forward a recommendation to the Board of County Commissioners to approve both open space applications. Motion carried.

4. Approval of Minutes and Acceptance of Tapes from August 31, September 27, October 12 and October 19, 2005.

The following changes were requested to the August 31, 2005 minutes:

- On page 2 within the sixth paragraph and on the fourth line, change “indicated” to “recommended.”
- On page 2 within the sixth paragraph, the last line should read as follows: “From staff’s perspective, it would be helpful for the individuals to provide any supplementary information that they believe is best available science.”
- On page 3 within the first line, replace “justifiability” with “retroactively.”
- On page 3 within the second line replace “complaints” with “comments.”
- On page 3 within the third paragraph in the eleventh line, replace the word “document” with the word “tables.”
- On page 4 within the fourth paragraph in the third line, strike “and that the Commission will respond.”
- On page 4 within the fourth paragraph in the fourth line, change “setting” to “set.”
- On page 4 within the fourth paragraph on the sixth line, change “selected” to “select.”
- On page 7, within the last paragraph on the first line change “Commissions” to “Commissioners.”

Commissioner Musser moved, seconded by Commissioner Lyman, to approve the August 31, 2005 minutes as amended and accept the tapes as the official record. Motion carried.

The following change was requested to the September 27, 2005 minutes:
• Under attendance, note that Commissioner Tom Cole was absent.

**Commissioner Lyman moved, seconded by Commissioner Roper, to approve the September 27, 2005 minutes as amended and accept the tapes as the official record. Motion carried.**

The following changes were requested to the October 12, 2005 minutes:

- Throughout the document, the acronyms “Heel” and “Wean” should be changed to “HEAL” (Honesty in Environmental Analysis and Legislation) and “WEAN” in caps respectively.
- On page 3 within the first line change “responded” to “agreed.”
- On page 4 within the third paragraph the first line should be changed to read, “Commissioner Lyman said if there is a deviation from generally accepted science…”
- On page 4 within the fourth paragraph, the last line should read as follows: “Obtaining data from Thurston Regional Planning Council (TRPC) and the County’s geo-data relating to the impact of the ordinance on property owners go towards building the record to support the Planning Commission’s decision.”
- On page 4 within the fifth paragraph in the second line, change “science” to “policy.”
- On page 4, the third sentence should read as follows: “Several Commissioners responded that the Growth Management Act (GMA) requires that choice in the absence of best available science.”
- On page 7 within the third paragraph, the next to the last sentence should read, “The decision requires the County to amend its long term agriculture designation criteria.”
- On page 10 within the third paragraph on the second line, change “input the” to “public comment.”
- On page 10 within the third paragraph on the fifth line, replace “public representation within” to “some key interest groups in.”
- On page 10 within the third paragraph, the seventh line should read, “The Board is also interested in the Planning Commission working with staff to develop an abbreviated user’s guide to the CAO.”
- On page 10 within the third paragraph on the ninth line, “The deadline is off” should read “The deadline of the end of 2005 is off.”
- On page 10 within the fourth paragraph the second line should read in part, “…Commission about the CAO process…”

**Commissioner Cole moved, seconded by Commissioner Roper, to approve the October 12, 2005 minutes as amended and accept the tapes as the official record. Motion carried.**

The following changes were requested to the October 19, 2005 minutes:

- On page 5, the first line should read, “She said she is concerned about rural area residents who are not served by a public water system.”
• Page 7, Jennifer Hayes had to leave the meeting early and was not available for the Briefing/follow up: Rural rezoning discussion. Remove her name from the staff reference.
• On page 10, the last line of the fourth paragraph should read, “Vice Chair Cole said a member of the public misinterpreted the statement he made at the last meeting.”
• Strike the first sentence at the top of page 11.

Commissioner Cole referred to the Request for Information Summary Sheet, page 14 of the minutes and that the “7/6/05” issue/request was initially requested in January and that the date has been changed.

Commissioner Lyman moved, seconded by Commissioner Cole, to approve the October 19, 2005 minutes as amended and accept the tapes as the official record. Motion carried.

Commissioners Lyman, Cole and Roper conveyed they have e-mailed their changes to the November 2, 2005 minutes to the Planning Commission Chair, Vice-Chair and staff.

The Planning Commission deferred approval of the November 2, 2005 minutes to a future meeting, allowing staff time to incorporate the changes requested by members of the Commission.

5. Briefing: LAMIRD Project
(Staff: Nancy Pritchett, Katie Knight)

Ms. Pritchett reported the July 20, 2005 Western Washington Growth Management Hearings Board (WWGMHB) decision determined the County’s comprehensive plan and development regulations do not comply with the Growth Management Act (GMA). The WWGMHB has given the County until January 2006 to comply. The WWGMHB ruled higher density residential zones are required to comply with criteria adopted by the legislature in 1997 to recognize “limited areas of more intensive rural development,” or LAMIRDS. The decision identifies the Rural Residential 1/2, 1/1, 2/1 and the Suburban Residential 4/1 as out of compliance with growth management. The County had included LAMIRDS on its Comprehensive Plan docket. However, staff resources were not available in 2004 to complete the work. There are additional zones in the County that are not considered rural that for some reason the Hearings Board didn’t list in its decision. The County is looking at those as well as they are intermixed with the zones identified in the WWGMHB decision. Most are commercial and industrial, but there is a medium density residential 1-6/1 in the Rochester area.

Ms. Pritchett reviewed why there is higher density zoning in the County. Prior to 1997, the County developed its own set of criteria for recognizing pockets of high-density development. In the early 1990s, County staff identified existing development based on the criteria, established boundaries around them, and applied the higher density zoning based on preexisting densities in the area. Examples include Maytown, Steamboat Island, Boston Harbor, as well as lake and marine shoreline areas around the County. The areas are mapped on the original LAMIRD study areas. The hearings board decision acknowledges the work the County completed prior to 1997.
However, when undertaking an update of the comprehensive plan, jurisdictions are required to incorporate any changes to growth management adopted by the legislature since the previous update, including the LAMIRD criteria adopted in 1997.

To respond to the WWGMHB decision on the LAMIRDs component, earlier in the year staff asked Thurston Regional Planning Council (TRPC) to undertake an analysis of the high-density areas in the County to begin the LAMIRD review. TRPC provided data based on the built environment in 1990 and the most current information it had for 2004. Maps were created as a result of the preliminary analysis. It is important to note the legislature adopted the LAMIRD criteria as part of the GMA in 1997 that contains specific criteria for determining whether or not an area could be designated as a LAMIRD. There is some discretion when applying the criteria to determine a logical outer boundary around each of the LAMIRDs. The County is allowed to use some infill of undeveloped areas to create reasonable boundaries.

Staff distributed revised 11x17 maps replacing the “folded” maps included in the Commission’s agenda packets. Commissioner Lyman said it is important to realize the impact of complying with the hearings board decision on properties already subdivided, projects that are vested, and the like. Ms. Pritchett replied while looking at the specific criteria, the Planning Commission may decide portions of areas do not qualify as a LAMIRD even though the properties may have built at higher densities after 1990. The areas can potentially be rezoned to a more rural density. In those cases, the land use becomes nonconforming. Ms. Pritchett said one of the criterions requires a review of what’s on the ground and predominantly built out by 1990. This can qualify as a LAMIRD. The WWGMHB has defined “built environment” as structures above ground and infrastructure such as water and sewer utilities. However, the “built environment” does not include “vested right to build.”

Commissioner Roper asked about the difference between a commercial/industrial LAMIRD and a LAMIRD. Ms. Pritchett replied the two areas proposed as commercial/industrial LAMIRDS were not analyzed under TRPC’s original study, as it only looked at the residential areas. The County needs to consider the two commercial/industrial areas as part of the LAMIRD review. There is another area requiring review in the Rochester/Grand Mound vicinity.

Ms. Pritchett referred to a Washington State Supreme Court case, *Quadrant vs. Growth Management Hearings Board*. The case concerns to urban growth areas (UGAs) in King County. The court ruled in King County’s favor that it could consider “vested right to build plats” when defining its UGA. One question is whether the ruling applies to LAMIRDS as well. The County’s legal staff response is there has yet to be a Supreme Court case specific to LAMIRDS. A brief exchange related to the Rochester/Grand Mound LAMIRD review and whether areas 33, 34, 27, and 30 were mapped incorrectly followed.

Ms. Pritchett reviewed criteria found in the Revised Code of Washington (RCW) 36.70A.070(5)(d). The criteria were applied to the 59 LAMIRDS TRPC originally mapped for the County using the three categories - no change in proposed LAMIRD boundary, does not meet LAMIRD criteria, and revised LAMIRD boundary.
Commissioner Cole commented on boundary #29 TRPC identified as being served by a water district. It is an error and is not served by a water district.

Commissioner Lyman expressed an interest in reviewing staff’s analysis for all the LAMIRDS.

In response to an inquiry from Commissioner Roper, Ms. Pritchett clarified the “purple dotted line” identifies the Rochester subarea boundary.

Ms. Pritchett explained the smaller maps provide both an aerial view of the area as it existed in 1990 on the left, with a colored aerial on the right from 2004. “Blue” lines have been drawn to indicate a proposed revised boundary. The areas shown in “Red” are those currently having a density higher than 1-5/1 zoning. A discussion of the status of conforming and nonconforming lots within and/or adjacent to a LAMIRD ensued. Ms. Pritchett said the intent is to draw a tight line around what is conforming and already built out at high density.

Staff and Commissioners reviewed the Rural Development Review Boundary areas identified by staff as more unique, the first being #6, Boston Harbor. Ms. Pritchett directed the Commission’s attention to a Water Service Area map of the Boston Harbor vicinity. The “blue” lots shown on the water service map are not within the water service area. The water service area existed prior to 1990. The “light yellow” color outlines lots that were built out prior to 1990. The proposed boundary creates an odd shape but is justified based on the built environment and areas served by water. The lots shown in “reddish/pink” indicate the water service area. The areas in “blue” are proposed to be excluded from the LAMIRD, as the lots are not served by water. A discussion of the small legal lots platted in the early 1900s, the creation of an island within the proposed LAMIRD, and reasonable use exceptions followed.

Commissioner Lyman said the boundary configuration is a concern. Commissioner Cole suggested clear documentation of the proposed boundary is prudent.

Ms. Pritchett reviewed small LAMIRDS #16a and #16b in the areas of Marvin Gardens and Hawks Prairie respectively. There is no decision defining what is too small to be considered a LAMIRD. It is up to the discretion of the jurisdiction. Chair Kohlenberg asked if the density in the LAMIRDS is considered part of the rural density. Ms. Pritchett replied yes. Discussion ensued on calculations based on zoning and not based on what’s built on the ground, requirement if the County to provide a variety of zoning, rural rezoning where property owners may lose development potential, and cluster development.

Ms. Pritchett pointed out the lots in #16a were platted, built, and served by water by 1990. The lots in #16b were primarily built by 1990 and are served by water. An issue is designating a LAMIRD too close or adjacent to UGAs or city boundaries. #16b is adjacent to Lacey’s UGA but it meets all other LAMIRD criteria. Another option is to acknowledge the plat was built by 1990; it has a water service area, but is too close to the UGA. Rezoning it to a rural density will create a nonconforming subdivision.

Boundary #17 and LAMIRDS 17a, 17b, and 17c along the eastern shore of Budd Inlet were
reviewed. Number 17a is zoned RR 1/2 and was predominately built by 1990, is not subdividable, and is served by Seashore Villa Water System. The water system existed prior to 1990. Number 17b is zoned RR 1/1 and was predominately built by 1990. Number 17c contains several large parcels that are still subdividable under the existing RR 1/2 zoning.

Boundary #22 in the Steamboat Island Road area includes large parcels that can also be further subdivided under existing zoning. The basis for revising the original proposed boundary in part of the area was predominantly built by 1990. Ms. Pritchett said the proposed small LAMIRD contains seven parcels but meets all other criteria.

In reply to an inquiry from Commissioner Roper, Ms. Pritchett said an open house for the Rainier Sportsman Club is scheduled for December 8, 2005.

Commissioner Cole asked if there is a penalty associated with creating a small LAMIRD. Ms. Pritchett answered no; it is a policy decision.

Commissioners and staff discussed boundary #25 and LAMIRDS 25a, 25b, and 25c in the vicinity of Sleater Kinney and Lilly Roads. The southern portion of the area is adjacent to the Olympia UGA. Excluding the larger parcels results in three smaller LAMIRDS. Number 25a contains one lot that can be further subdivided, while #25b is considered a crossroads development on South Bay Road. There are no lots that can be further subdivided. Number 25c was predominantly built out by 1990 and does not contain any lots that can be subdivided.

Ms. Pritchett pointed out boundary #26 is similar as the area to the east is excluded from the LAMIRD boundary because it is adjacent to Lacey’s UGA. A brief dialogue related to the “yellow lines” shown on the map signifying large lots partially or fully developed prior to 1990 followed. The “yellow” lots on the 2004 aerial map reflect lots that are further subdividable.

Boundary #29, east of Lacey, is adjacent to the urban area and meets all other LAMIRD criteria. Commissioner Cole conveyed the “bottom piece” as shown on the 2004 aerial map is not part of the water district. Ms. Pritchett confirmed staff will follow up on the issue. The two large parcels to the south are excluded from the proposed LAMIRD.

Staff and Commissioners discussed boundary #35 and proposed LAMIRDS 35a and 35b in the Delphi area.

Boundary #37 in the vicinity of Black Lake was reviewed. There are undeveloped lots in LAMIRD #37a that are served by several water systems. LAMIRD #37b is served by the Evergreen Shores water system, but #37c doesn’t mention a water system. Ms. Pritchett said staff will follow up with #37c. The LAMIRD was predominantly built out by 1990.

Boundary #41 is near Tumwater’s urban area. Two smaller LAMIRDS have been identified as #41a and #41b. Commissioner Lyman commented that #41b is within the Salmon Creek basin. A brief dialogue related to the “Ski Lake” development followed.
Ms. Pritchett reported boundary #52 in the Littlerock vicinity includes a large portion of area zoned SR 4/1 that is not served by water or sewer utilities. The revised boundary excludes the area zoned SR 4/1 and RR 1/2 from the LAMIRD. The areas will need to be rezoned to an appropriate rural density. The existing school will need a special use permit to expand regardless of the zoning designation. Discussion of mixed use LAMIRDs and expanding the eastern boundary to include the school ensued.

Discussion about boundary #53 on Maytown Road SE followed. Ms. Pritchett explained there is a pocket of neighborhood commercial in the middle of the proposed LAMIRD area. The remainder of the LAMIRD was not even remotely built out by 1990 and there is no other water service area. The LAMIRD is required to retain the commercial zoning. A business is located on the site and staff did not want to create a nonconforming use. Discussion of the surrounding land uses ensued. Commissioner Roper suggested including the intervening properties between the areas shown in yellow to the left of #53. Ms. Pritchett said staff will review the idea and follow up with the Commission at a later date.

Ms. Pritchett said the two yellow areas marked “999” on either side of #53 are zoned Rural Resource Industrial and were not included in TRPC’s original analysis. County staff drew boundaries around the areas because it believes the areas warrant further review.

Commissioners and staff reviewed boundary #56 located in the Lake Lawrence vicinity. The original proposal was to exclude the area in the northeast corner as most of it was built out by 1990. It is not part of the water service area. Staff reviewed the area again and developed an alternative for discussion that includes the upland area in the LAMIRD boundary. The area could be subdivided. It has water service currently but did not prior to 1990. Commissioner Lyman said the criteria used to determine the boundaries for the others should be used across the board, even if it means they encompass lots that are further subdividable.

**The Planning Commission requested changing the map to reflect the alternative presented by staff.**

Staff distributed additional aerial maps for boundary #20 located along 36th Avenue NW. Ms. Knight reported staff didn’t include it in the Commission’s packet because it is adjacent to the City of Olympia’s UGA and the Green Cove basin. Ms. Pritchett added originally it was mapped as “no change” as it is unknown what will happen to the UGA boundary.

Discussion of the odd shaped boundary based on how the area has built out followed. Commissioner Lyman asked if water service is available to the lots shown in “blue.” Ms. Knight replied no, the “black line” indicates lots served by water. However, staff will check because the lots in blue may or may not have water service.

Ms. Pritchett said the alternative is to take in the bigger area. **The Planning Commission concurred and requested staff to “tighten up” the area.**

Staff distributed three aerial maps showing the Rochester/Grand Mound area that correlates to
vicinities #57, #60 and #63 on the *Southwest Thurston County Draft LAMIRD & Current Zoning* quadrant map. Commissioners reviewed the maps. Number 57 relates to Rochester and #60 is just north of Grand Mound subarea. The “purple” line outlines the Rochester subarea originally adopted in 1978.

In reply to a question from Commissioner Cole, Mr. Sonnen reported the Board of County Commissioners (BOCC) held its public hearing on the comprehensive plan amendments on December 6, 2005. The BOCC briefly discussed the Grand Mound issue and scheduled a worksession for December 14, 2005. The BOCC is considering allowing a water system extension but not a reduction in lot sizes. Under current zoning any water purveyor could facilitate smaller lots. The BOCC wants to review the possibility of rezoning. Aside from not only allowing smaller lots on public water supply, an issue was raised whether the zoning pattern is a well-considered approach for the area. In other areas the County has a growth boundary it is trying to infill with water and sewer utilities. The County may want to expand the growth area in 10 or 20 years with utilities creating a more dense development pattern. Staff conveyed to the BOCC it will evaluate the Grand Mound area as part of the LAMIRD process.

Commissioners and staff reviewed the proposed Rochester boundary #57. Ms. Pritchett reported there is a mixture of rural commercial, rural industrial, and residential zoning. The residential portion of the LAMIRD was not predominantly built out by July 1990. The boundaries are based primarily on the Rochester water service area. The “black lines” on the aerial map encompass the water service area prior to 1990. The “blue” lines indicate areas built out by 1990. Most of the areas that can be further subdivided are excluded from the boundaries. Rezoning the 1/1 designation outside the boundary to a more appropriate density is anticipated.

Commissioner Lyman commented there are large lots that are not developed. She asked how the County can justify including the area within the LAMIRD. Ms. Pritchett replied it’s a judgment call. Ms. Knight added there are adjacent lots that could be subdivided. There are only two lots in the area included that could be subdivided versus 10 in the area next to it.

Commissioner Lyman suggested staff supply a larger map at the open house. Ms. Pritchett replied that based on the work tonight, staff will rework the maps for the open house tomorrow night.

Boundary #60 is just north of Grand Mound and is zoned medium density residential 1-6/1 with some commercial and residential 1/1. The water service area within the Grand Mound UGA was recently extended to a development consisting of 102 acres with approximately 57 lots. The area is primarily not served by water or sewer at this time. Ms. Pritchett referred members to the left side of the aerial map that shows several small pockets of areas platted by 1990 and/or served by a water system. Based on the strict LAMIRD criteria, it is difficult to designate the entire vicinity as a LAMIRD.

Commissioner Roper referred to rectangular and triangle shaped areas on the *Southwest Thurston County LAMIRD & Current Zoning* quadrant map indicating commercial development along Interstate 5 and in a corner of the subarea. Ms. Pritchett replied the zoning along the freeway is RCC, but the land was not developed by 1990. The large parcels in the triangle shape are also
zoned RCC and were platted by 1990. A concern is to not create commercial nonconforming uses. Staff will look at the area before drawing a specific line. Ms. Pritchett said if the area is not designated as a LAMIRD and has to be rezoned to a more appropriate rural density, a discussion of the right density could occur in the future.

Chair Kohlenberg commented a planning decision for the vicinity was made that has not been carried out. It is part of the reason the area is inconsistent and difficult to deal with.

In reply to an inquiry from Commissioner Roper, Ms. Pritchett answered the seven areas shown in “black” and “blue” on the aerial map are the only ones that could meet the LAMIRD criteria. Commissioner Lyman noted the County has the option not to designate any of the areas as LAMIRDS. The consequence is creating nonconforming land uses. Dialogue related to previous and current zoning ensued.

Ms. Pritchett said the County is not required to designate every area that has high-density development as a LAMIRD. Commissioner Lyman conveyed the County will be required to rezone all of the areas in “red” if they are not identified as LAMIRDS. Ms. Pritchett added there are existing pockets in the County developed at higher densities already zoned 1-5/1 that are not part of the analysis. She pointed out areas zoned medium density residential 1-6/1 which are not achievable given the circumstances.

In reply to a question from Commissioner Darkenwald, Ms. Pritchett explained the areas shown on the aerial map meet the LAMIRD criteria.

Ms. Pritchett reviewed boundary #63 within the Rochester subarea. The vicinity is zoned a mixture of RR 1/1 with four neighborhood commercial lots in the middle. The areas in “blue” were built out by 1990. Staff is proposing to exclude areas on either side and to the north.

Commissioner Roper asked where the tribe’s proposal is located and whether it is within the UGA. Mr. Sonnen replied the proposal is within the UGA. He pointed out the parcels on a large display map. In reply to an inquiry from Commissioner Cole, Ms. Pritchett replied the zoning is 1-5/1 or some lower density depending on what was determined to be the most appropriate. Staff will follow up with information on what is located on the site Commissioner Cole is referring to prior to excluding it.

6. **Staff Updates**

Mr. Sonnen reported a rural rezoning workshop is scheduled for December 8, 2005. Staff and Commissioners discussed the workshop format. A brief discussion about the Commission attaining a quorum followed. Mr. Sonnen said staff will publish the remainder of the workshops as Planning Commission meetings in the event a quorum is attained.

Regarding the Planning Commission’s record retention requirements, Mr. Sonnen reported Jeff Fancher’s interpretation of state law is that the Planning Commission or subcommittee members have no legal obligation to retain records. Mr. Fancher is not suggesting members destroy
records in their possession. At some point in the future if there is a records request, the County would look at the law in effect at that time and determine whether or not disclosing the record(s) is required. Subcommittee members may have information that is valuable. Mr. Fancher has relayed if the County receives a records request associated with litigation, the County may solicit some of the materials. However, the Planning Commission is under no obligation to retain the materials at this time.

Another legal issue is related to the BOCC’s interest in developing alternative approaches on how the County will process amendments to the critical areas regulations. Mr. Fancher has reevaluated his original position, which he believes was overly conservative. He would prefer the approach previously advocated. However, there is nothing technically precluding the Planning Commission from forming a stakeholders committee if it was to its advantage to deal with a focused subject. If the Planning Commission did form a stakeholders committee, he has requested that the meetings be open to the public, balanced, structured, and for minutes to be kept.

The BOCC met recently to discuss the process for refining the critical areas regulations and explored possibilities to expedite the review. Commission Lyman attended the meeting and suggested an approach of splitting the Planning Commission with some members working on critical areas while some worked on GMA compliance issues to expedite the work. However, the BOCC discussed forming a stakeholder committee to take on the critical areas review and bring affected parties together to resolve the issues. The Board is interested in a common approach that would bring the stakeholders and affected parties together to resolve the issues. The BOCC determined the Planning Commission should continue on its current course and provide the Board with a recommendation. The Board prefers a recommendation by summer if possible recognizing the Planning Commission is working on GMA compliance issues. The Board’s decision is to wait until the Planning Commission forwards its recommendation to form a stakeholder committee to review the Planning Commission’s work, which would allow the Board to identify alternative approaches that would be reviewed during the public hearing draft in addition to the Planning Commission’s recommendation.

Commissioner Lyman said she informed the Board the Planning Commission will provide a companion piece in addition to the proposed draft that will set forth the range of science and options.

Mr. Sonnen conveyed the Board is interested in knowing the legal parameters it needs to operate within related to best available science, as well as the rationale and risks behind the Planning Commission’s recommendation. Commissioner Lyman added the Board is very interested in receiving the Planning Commission’s recommendation on the critical areas as soon as possible. A dialogue concerning the companion piece and timeframe for completion ensued. Mr. Sonnen said there may be some merit to pair rural rezoning with the LAMIRD hearing process.

Commissioner Cole said the Planning Commission needs a flowchart outlining the work program for the ensuing year with milestones attached. Mr. Sonnen conveyed that the Board has requested a flowchart for GMA compliance. Concerning the buildable lands and UGA resizing...
work, staff has developed a 22-step chart. The chart is tied to the rural rezoning piece and LAMIRD work. A critical path analysis has been completed. Staff will provide the critical path analysis to the Commission at its next regular meeting.

Mr. Sonnen reported the Board has scheduled a comprehensive plan worksession focused on the Grand Mound area for December 14, 2005 from 2:00 to 3:00 p.m. On January 30, 2006, the Board will hold a public hearing on the moratorium, and will potentially extend it for six months. The Board is considering releasing several portions of the growth areas from the moratorium. On January 31, 2006, staff will present the comprehensive plan docket to the Board for its review.

Mr. Sonnen reported the City of Olympia has received a request from French Loop area residents that would like to be removed from the UGA or have lower density zoning.

7. **Calendar**

Who will not attend the upcoming Planning Commission meetings?

- **December 21, 2005** - Commissioners Cole, Darkenwald, Ottavelli tentative – **MEETING CANCELLED**
- **January 4, 2006** – Quorum confirmed – Mark Swartout will attend and provide an overview of approaches related to public outreach in connection with critical areas regulations

Chair Kohlenberg announced the Planning Commission will elect new officers at its January 4, 2006 meeting. Commissioners Cole and Ottavelli will contact members and ask what they are looking for in a chair and vice-chair.

A meeting of the Planning Commission subcommittee is scheduled for Saturday, December 17, 2005 from 9:00 a.m. to 4:30 p.m. The subcommittee is simply organizing the materials and no decisions are anticipated. Mr. Sonnen conveyed staff will send out the required notice.

8. **Adjournment**

There being no further business, Chair Kohlenberg adjourned the meeting at 9:52 p.m.

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services
*Amended on January 24, 2006 by Cami Petersen.*
<table>
<thead>
<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</th>
<th>STAFF</th>
</tr>
</thead>
<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>
</tr>
<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>
</tr>
<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>
</tr>
<tr>
<td>2/16/05</td>
<td>Balancing GMA goals with the WEAN decision</td>
<td>TCPC</td>
<td>J. Sonnen</td>
</tr>
<tr>
<td>2/16/05</td>
<td>Requested advice on whether legal counsel should be present at public hearing</td>
<td>TCPC</td>
<td>J. Sonnen</td>
</tr>
<tr>
<td>2/16/05</td>
<td>Revised Draft Work Plan for Advance Planning</td>
<td>Commissioner Kohlenberg</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/18/05</td>
<td>Establishment of a subcommittee to study cumulative impacts of development on steep slopes</td>
<td>Staff</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/18/05</td>
<td>Consider special management areas the TCPC may want to evaluate for critical areas, infiltration, and development within the UGAs</td>
<td>Staff</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/18/05</td>
<td>Requested staff to check on “aggrieved person” within the definition section of the CAO</td>
<td>TCPC</td>
<td>J Sonnen</td>
</tr>
<tr>
<td>5/25/05</td>
<td>The Commission, after review of the Definitions and Administrative sections of the CAO</td>
<td>TCPC</td>
<td>J Sonnen</td>
</tr>
</tbody>
</table>
requested numerous changes, deletions, and additions to various provisions within the sections

5/25/05 Commissioners agreed to review the tentative calendar of future meetings and forward suggestions to staff

TCPC J Sonnen

6/15/05 Staff is to provide the following information at the Commission’s next briefing.

- The number of mine sites that are currently less than five acres in size.
- Data from the state related to the timeframe an applicant has to complete the reclamation process.

A Countywide map showing available land for mineral purposes after taking critical areas and other overlays into consideration

TCPC Staff

6/15/05 Staff will present examples of how the test has been applied, and rework the language to clarify how it is measured at the next briefing on Mineral Lands

TCPC Staff

6/15/05 Staff requested the Planning Commission review the draft ordinance, the Mineral Extraction Code, and consider the critical areas designation criteria. Staff will e-mail the “homework assignment” to absent members

Staff TCPC

6/15/05 The Planning Commission agreed to send the final draft to the task force for review

TCPC Staff

6/15/05 The Planning Commission requested alternative language to pick from should be shown in a “box” in the draft document.

TCPC Staff

6/22/05 A request was made to identify “certain geologists and geologic engineers” who refuse to work in Edgewood because they claimed their liability insurance carrier would not allow them to issue a letter or report without the hold harmless clause.

Commissioner Lyman N. Pritchett

6/22/05 Third Party Review report should include

Chair Kohlenberg N. Pritchett
questions that should be addressed, such as how much additional stormwater will be introduced into the slopes by the proposed development. Chair Kohlenberg agreed to work with staff and draft some questions to include as part of the report requirements.

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>By:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/22/05</td>
<td>Schedule a tour of an extraction operation to attain a better visual sense of a working mineral extraction operation.</td>
<td>J. Hayes</td>
</tr>
<tr>
<td>6/22/05</td>
<td>Obtain a more definitive answer about whether gravel resources are used from the mine in recycling operations.</td>
<td>J. Hayes</td>
</tr>
<tr>
<td>6/22/05</td>
<td>Prepare a Countywide map to include all draft layers from the critical areas regulations in addition to other criteria to assist the Commission in its discussion.</td>
<td>J. Hayes</td>
</tr>
<tr>
<td>6/22/05</td>
<td>Verify first August meeting date by e-mail to Commissioners.</td>
<td>J. Sonnen</td>
</tr>
<tr>
<td>6/22/05</td>
<td>The Planning Commission agreed not to send the final draft of Mineral Lands to the task force for review at this time.</td>
<td>Staff</td>
</tr>
<tr>
<td>7/6/05</td>
<td>Commissioner Cole referred to the Request for Information Summary Sheet attached to the minutes and noted his request on January 26, 2005 about concerns for citizen and how they can find out if there are impediments as to what can be done with a piece of property has not been addressed by staff nor has staff been identified who will address the question.</td>
<td>J. Sonnen</td>
</tr>
<tr>
<td>7/13/05</td>
<td>Discussion of an appropriate buffer width necessary to protect adjacent properties from fire management practices on prairies and air quality followed. Staff will investigate whether it’s unlawful to burn, and if there are specific things that could be taken into consideration to help establish an appropriate distance. Commissioners suggested staff could confer</td>
<td>J. Sonnen</td>
</tr>
</tbody>
</table>
with the Fire District or U.S. Forest Service.

7/13/05 The Commission requested staff investigate how to allow fish hatcheries without impacting the natural resources the County is attempting to protect.

Commission J. Sonnen

8/31/05 Mr. Sonnen said there were many comments from the public about justifiability of the document (CAO). Staff has received several suggestions about how to respond to the complaints. He noted each chapter includes a summary that pertains to existing uses that some individuals found helpful. Staff could adapt the information and post it on the County’s website.

Staff J. Sonnen

8/31/05 Mr. Sonnen offered a suggestion of a test with staff and with frequent users of the CAO document by providing an explanation of how the document is organized and then test the response to see if the person can work through and understand the document. The exercise will be in a form of a survey to seek some objectivity about the readability of the document.

Staff J. Sonnen

8/31/05 Commissioner Strub requested inclusion of a definition list of all acronyms used in the document for easy reference by the reader. Mr. Sonnen acknowledged the request and suggested including a glossary of acronyms.

Commissioner Strub J. Sonnen

8/31/05 Staff recommended that the County’s legal counsel review the decision to ascertain whether the HEAL decision coincides with the recent decision as well as issue an interpretation of the decision.

Staff J. Sonnen

8/31/05 Commissioner Lyman suggested the Commission should schedule legal counsel to attend a meeting to respond to the Commissioner’s questions. Responding by e-mail often raises additional questions. The
Commission needs legal counsel support. Mr. Sonnen recommended the Commission pose questions in advance to enable adequate preparation time by legal staff to develop a response.

8/31/05 Commissioner Lyman asked that the Commissioner’s contact list also include staff information as well. She asked that staff consider a formal method for notifying Planning Commissioners of the County Board of Commissioners worksession dates involving issues the Planning Commission has referred to the Board. Mr. Sonnen said he will review the Board’s procedures for notification.

9/21/05 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.

9/21/05 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.

10/12/05 Staff asked members to consider an option of forming task forces to focus on key topics such as agriculture, mineral extractions, etc. The task force could consist of two or three Planning Commissioners and those with technical expertise to help address issues raised by the public. Additionally, consider examining how other jurisdictions have addressed similar issues. The task forces could make recommendations to the Planning Commission.

10/12/05 Commissioner Lyman said Commissioner Oberquell has requested a letter from the Commission/Staff Planning Commission
Planning Commission addressing the names of the invited participants within the CAO process so she can provide answers when she receives queries. Commissioner Lyman offered to work with staff and draft a letter to Commissioner Oberquell. The draft will be circulated to the Planning Commission before it is forwarded to Commissioner Oberquell.

10/19/05 Mr. Clark requested the Planning Commission defer its recommendation of the Grand Mound WSP amendment until it has the findings from the review committee. He anticipates a staff recommendation for the Planning Commission’s November 2, 2005 meeting.

10/19/05 Mr. Sonnen offered to draft the Planning Commission letter to the BOCC. The letter will be presented to the Planning Commission for review.

10/19/05 Request for legal counsel to attend a future meeting and/or clarify in writing the public record disclosure requirements specific to the Planning Commission. Also provide written guidance as part of the orientation materials provided to Planning Commissioners.

11/2/05 Poll Commissioners for availability of a Saturday meetings in January through March.

11/2/05 Provide the Commission with a monthly status check on the Commission’s subcommittee work on the CAO review.

11/2/05 Develop a tentative schedule for the CAO review for the Commission’s review and input at its November 16, meeting.

11/2/05 E-mail Commissioners to ascertain interest in attending November 10 CAO subcommittee meeting.

12/7/05 Various requests regarding LAMIRDs:
- Interest in viewing analysis for all LAMIRDs including Grand Mound.
- Suggestion to include intervening properties between the areas shown in yellow to the left of #53 (Maytown Planning Commission Staff
Supply larger maps for the open house on December 8, 2005
Determine what is located on the area located within the tribe’s UGA

12/7/05 Commitment to the BOCC to provide a companion piece in addition to the proposed draft (CAO) to help the Board to determine the range of science and options

Commissioner Lyman

12/7/05 Suggestion for staff to provide a flowchart outlining the work program for the ensuing year with milestones attached. Staff to provide critical path analysis to the Commission at its January 4, 2006 meeting

Commissioner Cole

Staff