THURSTON COUNTY PLANNING COMMISSION

Minutes
March 1, 2006

1. Call to Order

Chair Roper called the March 1, 2006 regular meeting of the Thurston County Planning Commission to order at 7:00 p.m. Everyone provided self-introductions.

a. Attendance

Members Present: Chair Joyce Roper, Commissioners Liz Lyman, Bob Musser, Scott Nelson, Craig Ottavelli, and Rhenda Strub
Members Absent: Tom Cole, Liz Kohlenberg, and Chris Lane
Staff Present: John Sonnen, Jennifer Hayes, Diana Smith, and Cheri Lindgren, Recording Secretary, Puget Sound Meeting Services

b. Approval of Agenda

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

2. Public Communications (Not associated with topics for which public hearings have been held.)

Tom Cook, 652 Sandra Lee Court SE, Olympia, distributed copies of letters he submitted to the Board of County Commissioner (BoCC) concerning the rural rezoning study areas and the moratorium.

3. Approval of Minutes and Acceptance of Tapes from February 15, 2006

Chair Roper disclosed there was an inadvertent discussion that resulted from an e-mail originating from Commissioner Strub regarding meeting minutes. Rather than Commissioners responding directly to the sender, the replies were sent to “all” including staff. She provided copies of the e-mails to Jeff Fancher, Assistant Thurston County Prosecuting Attorney, who
recommended the Commission disclose, for the record, that the e-mail exchange occurred. Chair Roper provided copies of the e-mails to the Recording Secretary for the record. She reviewed the timeline of the e-mails and the Commissioners involved in the discussions. She asked that Commissioners use caution when replying to e-mails in the future.

Discussion followed about the time the Commission spends reviewing and approving meeting minutes and options for a more streamlined process in the future. The Commission will address the issue as an agenda topic at a future meeting.

**Commissioner Strub moved, seconded by Commissioner Ottavelli, to approve the minutes and accept the tapes of the February 15, 2006 meeting.**

The following corrections were requested to the minutes of February 15, 2006:

- Page five, paragraph six, third line, change “conversation” to “conservation.”
- Page five, paragraph eight, first line should read, “Chair Roper inquired whether the map requested by Commissioner Kohlenberg could be revised to include open space agriculture parcels due to concerns with potential implications related to designating additional long-term agricultural lands.”
- Page five, last line should read, “Chair Roper suggested retaining the large parcels of 20 acres or more of open space agricultural lands in the rezone study areas.”
- Page six, paragraph two, second line, replace the word “and” with “for the one that.”
- Page eight, under #4, revise the first sentence to read “Chair Roper expressed her desire that the Commission conduct a detailed review of the *Important Habitats and Species* chapter at a future meeting except riparian, as the upland habitats and priority species draft was not examined in detail by the Planning Commission unlike any of the other draft critical area amendments.”

The motion carried as amended. Commissioner Lyman abstained.

Commissioner Lyman said she listened to the February 15, 2006 meeting tapes. Chair Roper’s statement that except for the riparian the *Important Habitats and Species* was not reviewed is incorrect. The review included riparian and marine. It is the priority habitats and species that were not reviewed. The other two were reviewed quite thoroughly. Chair Roper stated the subcommittee referred to priority habitats and species it as “uplands habitats and priority species.”

4. **Identify Proposed Rural Rezoning Study Areas**  
   *(Staff: Jennifer Hayes, Diana Smith)*

Ms. Hayes reported the goal of this meeting is for the Commission to recommend rezone study areas for the BoCC’s consideration. Staff will brief the BoCC with the Commission’s recommendation on March 7, 2006. Staff also meets with the BoCC on March 15, 2006 regarding the moratorium and again on March 22, 2006 for a follow-up briefing on rural rezoning. Staff will brief the Planning Commission at its March 29, 2006 meeting about Phase II
of the rural rezoning study areas project. A second goal of this meeting is to determine a volunteered lands strategy that staff will also present to the BoCC on March 7, 2006.

Ms. Hayes provided background on the rural rezoning study areas project to date.

Ms. Hayes distributed a “Cheat Sheet: What’s in all these maps, Planning Commission briefing handout for March 1, 2006” document. She presented the workshop-rezone study area map and reviewed the legend. Where more than one red circle appears to highlight a single area, more than one group highlighted the area. A second overlay shows areas of the County or parcels identified in letters, e-mails, and comment cards as high priorities for rezoning, or where individuals specifically requested not to be rezoned. The map includes lands “volunteered” to date. Known Weyerhaeuser-owned properties have been added, although the company has not volunteered them as rezone study areas; properties shown on the overlay are not zoned long-term forestry but are used for forestry activities. Staff anticipates hearing from Weyerhaeuser during the second phase of the rural rezoning process. There was a brief discussion about Weyerhaeuser properties in the context of creating study areas.

Staff reviewed the original overlay maps based on public input, which were presented at the briefing on February 15: i.e., unbuildable areas, rural character, aquifer recharge/sensitive areas, marine conservation and habitat. Ms. Hayes summarized additional background maps that were used in the creation of the original alternative maps and are available to the Commission, including the parcel base map; zoning maps; open space/designated forest tax program parcels; County satellite photo and local habitat assessment mapping; Thurston County Comprehensive Plan Important Greenspaces map; critical aquifer recharge areas map; Alternative Maps I, II, and III; and other background maps used in the creation of the alternative maps.

Commissioner Lyman asked staff to make a distinction between “designated forest” (a resource land designation) and “designated timber” (a tax program).

Staff reported the Washington Department of Fish and Wildlife (WDFW) conducted a local habitat assessment and has located areas of high to low habitat value. Identified areas of high habitat value were used in the Alternative III map.

At its previous meeting, the Commission requested staff create three additional maps for review. Ms. Smith reviewed the top six categories of lands workshop participants preferred for rezoning. Staff presented maps corresponding to five of the six categories at the February 15, 2006 meeting.

A discussion of the use of the term “rural character” versus “rural lands” ensued. Commissioner Lyman suggested for purposes of discussion that the Commission should “divorce” how it uses “rural character” in the comprehensive plan versus its use with the rezoning study proposal. Chair Roper said the public discussed “rural character” in a more broad and aesthetic sense that may be more difficult to measure.

Ms. Smith reviewed the maps the Commission requested two weeks ago:
• Map 1/1A, Aquifer Protection, Unbuildable Areas, and Marine Conservation. In addition to the layers used at the previous meeting, in these maps staff also included the MGSA, City of Olympia’s proposed wellhead protection areas, and elevated nitrate areas. Areas shown on the map represent 14% of the rural County.

• Map 2/2A, Aquifer Protection, Unbuildable Areas, Marine Conservation and Active Farmland. In addition to the layers shown on Map 1/1A, the map shows parcels enrolled in the open space farm and agriculture tax program. Areas shown on the map represent 18% of the rural County.

• Map 3/3A, Aquifer Protection, Unbuildable Areas, Marine Conservation, Resource Land Buffers, Urban Reserve Lands, Historic Sites, Community Supported Agriculture Locations, and Prime and Important Farmland Soils. In addition to the layers shown on Map 1/1A, the map adds rural character information but eliminates rural character parcels that are mapped ONLY because they are enrolled in open space tax programs; i.e., agriculture, forestry, designated timber, and open space-open space. However, parcels enrolled in an open space tax program that meet another criteria are shown on the map. Thus, parcels that are 75% encumbered by unbuildable areas and enrolled in an open space tax program are reflected on the map. Excluding soils data, the “colored” parcels represent 26% of rural lands.

Commissioner Lyman asked about the basis for using the threshold of 75% encumbered to map. Staff replied that citizens were interested in looking at lands that are “unbuildable,” which is difficult to measure. Staff wanted to show a range and mapped both the 100% and 75% encumbered lands for comparison purposes. Discussion of the map layers followed. Ms. Hayes said the more specific the recommended rezone study areas are the better. She recommended that the Commission should circle all areas it wants to study.

Commissioners Ottavelli and Lyman expressed an interest in basing the rezone study areas on specific criteria or data rather than drawing “circles” on a map. Ms. Hayes responded it is easier to study geographically specific areas. Looking at study areas scattered throughout the County is more challenging.

Chair Roper questioned what percentage of the rural county would be represented if the Commission looked at only 20-acre parcels. Ms. Smith replied 45% of rural lands showed up on the Alternative III map, which takes into account 20-acre parcels. Commissioner Ottavelli said another approach to drawing circles on a map is that the Commission could recommend studying all 20-acre parcels excluding those that have no encumbrances of any kind.

Chair Roper said she is interested in knowing how many landowners would be affected by Commissioner Ottavelli’s approach and how many parcels would be released from the moratorium. Ms. Hayes said capturing quantitative data is easy to accomplish either by drawing circles or choosing map layers. All parcels shown in blue and pink on the map highlights 20-acre and larger parcels. The public priorities are reflected on the map layers. Commissioner Lyman said she is also interested in areas that contain multiple characteristics that are identified by the public. Ms. Hayes said Alternative Map III reflects that.
Staff layered the maps to reflect what the Commission is interested in viewing as potential rezone study areas. Commissioner Lyman said the issue is that the circles drawn by the public do not necessarily capture their priorities. She asked whether there is a disconnect. Ms. Hayes stated the exercise to draw circles on the maps at the workshops was not a consensus process. However, it does represent public input.

Chair Roper referred to staff’s clarification regarding the 45% of rural land encompassing 20-acre parcels on the Alternative III map statement and asked why there is a difference on the other map that reflects 36% and 38% of rural lands. Ms. Hayes replied an earlier version represented 45%, however; the parcels shown in “dark purple” represent 36% of the rural lands and those in “light purple” show 38%. Ms. Hayes asked if the Commission is comfortable defining the rural rezone study areas as those shown in “dark purple” on the map and that the remaining parcels could be released from the moratorium. Chair Roper and Commissioner Ottavelli said they would like to include the properties shown in “light purple” as well. Regarding the establishment of logical boundaries, Ms. Hayes said the Commission’s rezone study areas could only include areas that are “x” acres of contiguous properties. The Commission can identify the criteria and staff can create a map that looks only at those blocks of contiguous parcels.

Mr. Sonnen pointed out that the Alternative III map made some assumptions. The public’s top priority was physical hazards. If properties are encumbered by two physical hazards, they showed up on the map. However, many citizens said it was enough if properties were only encumbered by one physical hazard, such as being within a floodplain.

Chair Roper asked whether a map could be created like Alternative III but include single affected 20-acre parcels. Staff replied yes, by adding the different map layers available in the room. Commissioner Strub said she’s interested in a study areas map that includes the public’s top categories of lands with the final overlay (mylar) that shows Salmon Creek and McAllister, plus the one volunteered property. Staff and members continued to create a more accurate and complete recommended study areas map by removing and adding different layers. A discussion of creating study areas with logical boundaries ensued. Mr. Sonnen said the BoCC recognizes there may be parcels of 10 acres that are pulled into the study areas. Chair Roper said the public has an expectation that 10-acre parcels will not be considered for rezoning.

**Commissioner Strub moved, seconded by Commissioner Musser, to recommend to the Board of County Commissioners rezone study areas as depicted on the map including the following layers:**

- **Unbuildable areas;**
- **Areas of rural character;**
- **Volunteered lands (presently there is only one area mapped);**
- **Aquifer recharge/sensitive areas;**
- **Marine conservation areas;**
- **Areas suggested for rezone by the public (both non-property and property owner requests) and ignoring the parcels in “black” which oppose rezoning.**
Staff suggested the Commission may want to entertain a discussion with the BoCC to seek clarification between 20- and 10-acre parcels, as smaller parcels could be pulled in when designating the zoning districts. However, it should be noted the Commission is primarily interested in focusing on 20-acre parcels.

Commissioner Lyman questioned including the shellfish protection districts in the rezone study. She said the County Commissioners adopted septic operation and maintenance program for parcels in the Nisqually and Henderson shellfish district areas. Portions of the shellfish district areas are in the City of Lacey or the urban growth area (UGA). Those owners will be given a “pass” because they won’t be downzoned. Those required to protect the shellfish district areas are rural County residents and they will be “hit twice.” There was discussion that this could be a similar situation for many rural property owners. Commissioner Strub said it’s important to look at the shellfish district areas as part of the study and it should be a discussion for Phase II of the rezoning project.

Mr. Sonnen presented a map of native grasslands (prairies) and oak woodlands for the Commission to consider.

Following a brief discussion, Commissioner Lyman and Chair Roper offered friendly amendments to the motion, that the recommended study areas map also include the Thurston County Oak Stands and Native Prairie Habitat to the extent that 20-acre parcels show up. The makers of the motion accepted the friendly amendment.

Commissioner Ottavelli expressed an interest in knowing what percentage of the rural county is picked up by the recommended study areas.

Commissioner Strub asked when staff presents the Planning Commission’s recommendation to the Board, that staff emphasize the Planning Commission created the map based on the priorities that were chosen by the public.

Motion carried unanimously.

Staff and members brainstormed ideas for developing a volunteered-land rezone program strategy. The following options were discussed:

- Direct mailing to all rural property owners in 1/5 district
- Direct mailing to all rural property owners of 20+ acres
- Contact interest groups and ask them to contact their members

Commissioner Lyman suggested seeking volunteers from those mining in non-designated mineral lands. Staff noted a concern with fielding numerous phone inquiries resulting from a mailing. A discussion of the level of inquiries staff would field if a direct mailing to all property owners within the 1/5 district is pursued followed. Commissioner Ottavelli asked if staff contacts could be mitigated by channeling people through the website. Ms. Hayes replied that is an option, but there are residents that are not web-oriented.
Commissioner Lyman suggested contacting all non-study area rural lands property owners that potentially could be released from the moratorium for volunteers.

Commissioner Ottavelli asked whether the interest groups could field telephone calls. Chair Roper expressed a concern about the accuracy of information that interest groups would relay to those calling. However, those answering phones could be provided with a “script.”

Commissioner Strub suggested an option where the Commission could host one public meeting to answer questions, put the word out through the interest groups, and follow the usual channels for public noticing. The notice would include the public meeting date and time and that the County is interested in recruiting volunteers Countywide for the rural rezoning study project. Interest groups such as the Farm Bureau and Audubon Society could join in and get word out to their respective memberships. Commissioner Lyman indicated she liked the approach. Commissioner Strub added the County’s communications officer could talk with *The Olympian* to print a follow-up article to the workshops.

Commissioner Ottavelli said he would like an easy mechanism to capture those interested in volunteering but unable to attend the public meeting such as the ability to respond via the County’s website or calling the County’s voice mail system that would contain a prerecorded communication in which the caller could leave a message.

**By consensus, the Commission decided to recommend a volunteer rezoning program strategy that includes a widely advertised public meeting and web site information, as discussed above.**

Ms. Hayes added volunteers would be asked to complete an application similar to the rezone application, which is signed and the applicant is attesting they are the property owner.

Commissioners said they would like to review a frequently asked questions (FAQs) sheet that staff will post online.

Discussion ensued about a deadline for volunteer responses. **The Commission established the response deadline as close of day on May 15, 2006.**

Ms. Smith distributed a flyer to members entitled *Thurston County is considering some rural zoning changes.* The flyer is intended to keep the public engaged and will be mailed to approximately 800 people and includes those who attended the workshops and submitted comment letters or comment cards.

Ms. Hayes said the Planning Commission’s recommendation will be presented to the BoCC on March 7, 2006 from 2:30 p.m. to 4:30 p.m. in Room 280. The Planning Commission is encouraged to attend.

In reply to an inquiry from Commissioner Nelson, Ms. Hayes said staff will present a list of
target interest groups for the Commission’s review. As part of the volunteer rezoning program strategy, Commissioner Lyman suggested airing a spot on TCTV channel 3.

5. **Staff Updates**

Mr. Sonnen reported the BoCC will meet on March 15, 2006 from 2:00 p.m. to 4:00 p.m. to consider releasing lands from the moratorium.

Mr. Sonnen explained the Commission’s annual dinner with the BoCC has been scheduled to give members an opportunity to lobby the Board on projects it wants incorporated in the budget. Annual budget proposals are submitted to the Board in July. He briefly explained the budget cycle process. **The Commission directed staff to schedule the annual dinner during the first 10 days in June.**

6. **Calendar** (Tentative)

- March 15, 2006. Mr. Sonnen said the meeting focus is to complete the information needs related to the remaining critical area chapters. Staff will brief the Commission on three open space applications. It is possible the BoCC will ask the Commission to consider and forward a recommendation concerning the reasonable use exception in the critical area regulations separate from completion of all of the amendments.

Specific to the earlier discussions regarding meeting minutes, Mr. Sonnen reported staff is researching alternative approaches including the possibility of using digital recordings and book marking topics on the Internet. Digital recording may eliminate the burden of providing detailed minutes. Staff will present its research to the Commission at the March 15, 2006 meeting.

7. **Adjournment**

There being no further business, Chair Roper adjourned the meeting at 9:25 p.m.

Joyce Roper, Chair  
Liz Kohlenberg, Vice Chair

Prepared by Cheri Lindgren, Recording Secretary  
Puget Sound Meeting Services  
*Corrected March 27, 2006, Cami Petersen*
<table>
<thead>
<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</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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<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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<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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<td>6/22/05</td>
<td>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.</td>
<td>Commissioner Lyman</td>
<td>N. Pritchett</td>
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<td>6/22/05</td>
<td>Third Party Review report should include 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.</td>
<td>Chair Kohlenberg</td>
<td>N. Pritchett</td>
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<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>Commission</td>
<td>J. Hayes</td>
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<tr>
<td>6/22/05</td>
<td>Prepare a Countywide map to include all draft</td>
<td>J. Hayes</td>
<td>J. Hayes</td>
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layers from the critical areas regulations in addition to other criteria to assist the Commission in its discussion.

7/6/05 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.

7/13/05 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 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.

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.

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.

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<tr>
<th>Date</th>
<th>Description</th>
<th>Contributors</th>
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<tr>
<td>8/31/05</td>
<td>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.</td>
<td>Commissioner Strub</td>
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<td>9/21/05</td>
<td>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.</td>
<td>Commissioners Lyman</td>
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<td>10/12/05</td>
<td>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.</td>
<td>Staff</td>
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<tr>
<td>12/7/05</td>
<td>Various requests regarding LAMIRDS:</td>
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<td></td>
<td>- Interest in viewing analysis for all LAMIRDS including Grand Mound.</td>
<td>Planning Commission</td>
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<td>- Suggestion to include intervening properties between the areas shown in yellow to the left of #53 (Maytown Road SE area)</td>
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<td>- Supply larger maps for the open house on December 8, 2005</td>
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<td>- Determine what is located on the area located within the tribe’s UGA</td>
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<td>12/7/05</td>
<td>Commitment to the BoCC to provide a companion piece in addition to the proposed</td>
<td>Commissioner Lyman</td>
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<td>2/15/06</td>
<td>Follow up with legal staff to ascertain how many other counties have been challenged by Futurewise</td>
<td>Commissioner Cole, Jennifer Hayes</td>
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<td>2/15/06</td>
<td>Staff to check to ensure the refined map (Map 2 Rural Character) looks at 20 acre or greater parcels</td>
<td>Commissioner Ottavelli, Jennifer Hayes</td>
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<td>2/15/06</td>
<td>Interest expressed by several Commissioners to receive a map combining aquifer/sensitive areas, unbuildable areas, and rural character as well as adding marine conservation lands and also the above combination with the exclusion of rural character to ascertain how the rezoning study areas look</td>
<td>Commissioners, Staff</td>
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<td>2/15/06</td>
<td>Ascertain whether it is possible to provide an interactive workshop showing several map combinations</td>
<td>Commissioners, GIS Staff</td>
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<td>2/15/06</td>
<td>Obtain legal opinion regarding risks associated with large removal of large areas of agricultural lands from the rezone study areas project</td>
<td>Jennifer Hayes, Staff</td>
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<td>2/15/06</td>
<td>Staff was requested to provide the Commission with a recommendation concerning a protocol for drafting a volunteer program. Commissioner Strub requested staff work with the Farm Bureau also.</td>
<td>Commissioner Ottavelli, Jennifer Hayes</td>
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<td>2/22/06</td>
<td>Commissioner Kohlenberg requested knowing how local species are defined and selected</td>
<td>Commissioner Kohlenberg, Staff</td>
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<tr>
<td>2/22/06</td>
<td>Staff to research public testimony regarding what is the BAS for expanding a list of rare and endangered species as outlined in the amendment</td>
<td>Commission, Staff</td>
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<td>2/22/06</td>
<td>Requested staff analysis of the impacts of gravel mining in riparian and management zones concerning important habitats</td>
<td>Commission, Staff</td>
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<td>2/22/06</td>
<td>Research with legal staff what the distinction is of agriculture occurring on designated agriculture resource lands and agriculture on other lands</td>
<td>Commission, Legal Staff</td>
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<td>2/22/06</td>
<td>Provide comparative data for habitat about the impacts of mining similar to data on impacts to wetlands caused by mining</td>
<td>Commission, Staff</td>
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<td>2/22/06</td>
<td>Ascertain pros and cons for removing beaver ponds versus prohibiting the removal of beaver ponds.</td>
<td>Commission Staff</td>
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<td>2/22/06</td>
<td>Discuss clarification of terms related to estuary and estuarine wetlands</td>
<td>Chair Roper/Commissioner Lyman Staff to add to 3/1/06 agenda</td>
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<td>3/1/06</td>
<td>Commissioners requested a review of frequently asked questions (FAQs) prior to posting online</td>
<td>Commission Staff</td>
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<td>3/1/06</td>
<td>Present a list of target interest groups for the Commission’s review for the volunteer rezoning strategy</td>
<td>Commission Staff</td>
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<tr>
<td>3/1/06</td>
<td>Air information on TCTV Channel 3 regarding the Volunteer Rezoning Program</td>
<td>Commission Staff</td>
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