THURSTON COUNTY PLANNING COMMISSION  

Minutes  
March 15, 2006

1. **Call to Order**

Chair Roper called the regular meeting of the Thurston County Planning Commission to order at 7:01 p.m. Everyone provided self-introductions.

   a. **Attendance**

   Members Present: Chair Joyce Roper, Commissioners Tom Cole, Liz Kohlenberg, Chris Lane, Bob Musser, Scott Nelson, and Rhenda Strub
   
   Members Absent: Commissioners Liz Lyman and Craig Ottavelli
   
   Staff Present: John Sonnen, Katie Knight, Nancy Pritchett, Cindy Wilson, and Cheri Lindgren, Recording Secretary, Puget Sound Meeting Services

   b. **Approval of Agenda**

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

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

There were no public comments.

3. **Approval of Minutes and Acceptance of Tapes from February 22, 2006 and March 1, 2006**

   Commissioner Cole moved, seconded by Commissioner Kohlenberg, to approve the minutes and accept the tapes of the February 22, 2006 meeting.

The following correction was requested to the minutes of February 22, 2006:

[Correction Details]

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COUNTY COMMISSIONERS  
Cathy Wolfe  
District One  
Diane Oberquell  
District Two  
Robert N. Macleod  
District Three

DEVELOPMENT SERVICES  
Michael Welter, Director

2000 Lakeridge Drive SW, Olympia, Washington  98502 (360) 786-5490/FAX (360) 754-2939  
TDD (360) 754-2933  
Website:  www.co.thurston.wa.us/permitting
• On page 3, within the paragraph under Page 17, eighth line, change “importance” to “important.”

The motion carried as amended.

**Commissioner Cole moved, seconded by Commissioner Lane, to approve the minutes and accept the tapes of the March 1, 2006 meeting.**

The following correction was requested to the minutes of March 1, 2006:

• On page 6, a portion of the second full paragraph was revised to read as follows, “Commissioner Lyman questioned including the shellfish protection districts in the rezone study. She said the County Commissioners adopted a septic operation and maintenance program for parcels in the Nisqually and Henderson shellfish district areas. Some portions of the shellfish district areas are in the City of Lacey or within 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. She suggested including a statement that the same and they will be “hit twice.” There was discussion…”

The motion carried as amended.

4. **Briefing: Open Space Applications: Jones, Wagar, Windsor (2)**
   *(Staff: Katie Knight, Nancy Pritchett, Cindy Wilson)*

Ms. Knight reported the Wagers are applying for enrollment of 39 acres in the Open Space – Farm and Agricultural Conservation Lands (FACL) category of the Open Space – Open Space Tax Program. She pointed out the location of the Wager farm on a display map. The applicant owns 40 acres south of Tumwater and east of Tilley Road on 101st Avenue. The Wager farm is classified as Current Use – Agriculture but no longer meets the income requirements of the program. One acre is excluded from the Open Space – FACL application for an existing home site. The estimated tax shift when transferring from Current Use – Agriculture to Open Space – FACL is an increase of $1,467 annually in property tax.

Commissioner Cole said he reviewed all open space applications and has no questions. He asked if the Commission could waive the reading of the remaining open space applications if members have no questions.

The Planning Commission waived the reading of the Jones and Windsor open space applications. There were no additional questions.

**Commissioner Kohlenberg moved, seconded by Commissioner Lane, to schedule the Jones, Wagar, and Windsor (2) open space applications for a public hearing on April 19, 2006. Motion carried.**
   *(Staff: John Sonnen)*

Staff and the Commissioners continued identifying research needs for *Important Habitats and Species* beginning on page 21 of the matrix.

**Page 21**
- Concerning the issue, “Permit for constructing walking paths and trails” the comment states, “Under the proposal, the definition would now include walkways, patios and compacted dirt, so you would need a permit for a trail or walking path.” Does “compacted dirt” include farm roads and fields and is a permit required? Is it the citizen’s assertion that walkways, patios, and compacted dirt include all these things?

**Page 22**
- Concerning the issue, “Intensive use definition too broad and subjective,” the third bullet under the comment section second to the last line, “potential” and “probable” are not defined in the proposed ordinance. Mr. Sonnen said the term is from legal counsel. He indicated he will ask legal staff to clarify the meaning.
- Regarding the fourth bullet, fourth line, “This gives the County the authority to call upon experts, at the applicant’s expense, as necessary to help evaluate information submitted by the applicant” and the sixth line, “Can the County call on several experts at my expense without letting me know,” are there guidelines proposed or can the County keep calling experts until it receives the answer it likes? Who are the experts?
- Within the first bullet, are there reasons why specific species are called out and not the nature of the business altogether if the impacts are similar? Or, is there justification because there are different impacts; i.e., going from boarding horses to raising llamas.
- Language in the fourth bullet talks about tillage once every five years as a standard and in other sections once a year is recommended. What is the justification for the difference if the standards vary?

**Page 23**
- Concerning the issue, “Farm plans should be written by conservation district” within the first bullet under comments, does the authorization and level of approval through the Department of Agriculture for the livestock nutrient plans provide sufficient oversight? Do their standards equate to the standards the County is considering or is the County proposing something different, and if so why? In reply to a request from Commissioner Kohlenberg, Mr. Sonnen said staff is preparing a comparison between Thurston County and how other counties are addressing the matter.
- Within the second bullet there are a number of different entities that look at agronomic issues. Do the entities use the same agronomic standards? If not, why not? Is the County proposing to adopt a different standard or is it recognizing one it thinks is best?
- Related to the issue, “Criteria for ditch abandonment are flawed,” Commissioners are interested in reviewing additional information concerning standards for ditch maintenance. What specifically is the County restricting? What does the County consider abandonment if people are leaving it alone because it’s functioning just fine?
Page 24
• Concerning the issue, “Bridge and culvert design should follow NOAA,” did the County review the different authorities? Mr. Sonnen replied staff reviewed the Washington Department of Fish and Wildlife (WDFW) designs for fish passage but didn’t review information from the National Oceanic and Atmospheric Administration (NOAA). Staff will follow up.

Page 25
• Regarding the issue, “Exemptions are too broad and can be interpreted to include all nonconforming uses rather than only single family residences,” Mr. Sonnen explained the comment claims the County is allowing too much flexibility when dealing with nonconforming uses. Staff will research the matter.
• Concerning the issue, “Distance from eelgrass beds is insufficient,” the proposed 10-foot distance should be analyzed. Is the proposed distance sufficient? What did the County base the distance on?

Page 26
• Staff will respond to the allegation concerning “Stormwater facility standards may conflict with state and nationally accepted practices.” Discussion ensued about the current and draft Drainage Design and Erosion Control Manual for Thurston County and when the draft manual may be completed. Mr. Sonnen said staff will check on the status of progress on the manual and if possible, schedule a briefing before the Commission at a future meeting.

Page 27
• Under Legal, there is a comment of, “Monitoring is an invasion of privacy.” Could legal counsel confirm that monitoring is not an invasion of privacy?
• Under the first section of Scientific or Factual, the Commission is interested in reviewing the WDFW Stream Habitat Restoration Guidelines, 2004 as referenced.
• Concerning agronomic rates, is the County trying to require less than agronomic rates? Mr. Sonnen said staff will follow up on the issue.

Page 28
• Pertaining to the issue, “Include waiver provision found in Geologic Hazard chapter,” staff will evaluate all the chapters for consistency and determine if there is a basis to differentiate.

Page 29
• Concerning the comment under, “Mitigation plan requirements are unclear,” the County should be clear under what situation mitigation is required.

Staff and Commissioners identified research needs for Critical Aquifer Recharge Areas.

Page 2
• Discussion ensued about the issue concerning “Add composted amended soil as an example.” Mr. Sonnen replied staff did check the science in relationship to reclaimed water. The Commission expressed interest in reviewing additional science if it is available.

Page 5
• Regarding the issue, “Allow gravel mining in the 10-year time of travel of wellhead protection areas with appropriate safeguards,” the last bullet references a memorandum from Department of Ecology (DOE). Is there other best available science (BAS)? The same comment appears under Legal and Scientific and Factual on the following pages. Staff will
include research of the comment with the previously identified gravel mining research needs.

Page 7
- Is the statement, “Reclaimed water provision inconsistent with state law” true or false? Similar comments appear in the last bullet and carry over to pages 8 and 9.

Page 10
- What is the basis of the comment, “Extraction should be prohibited around streams but not aquifers” within the fourth bullet?

Page 11
- Staff will address the issue and comments under “Consider impacts that cannot be mitigated.”

Page 16
- Under Scientific or Factual, there was interest to gain further understanding of the issue “Does the draft protect groundwater from pollutants in LOTT sewage effluent discharge program.” Mr. Sonnen said staff could send a letter to LOTT asking for additional information. Commissioner Cole offered to share a paper he received relevant to the subject. Mr. Sonnen conveyed he would follow up with Commissioner Cole. Discussion of the new Hawks Prairie LOTT facility followed.

Staff and Commissioners identified research needs for **Wetlands**.

Page 1
- Last issue, “potential” and “probable” are not defined in the proposed ordinance.

Page 2
- The first bullet under Policy talks about “wetlands have been identified as 0.5 acre or more.” The last bullet refers to the current 11,000 or 22,000 square feet. Twenty-two thousand square feet is just over 0.5 acre. Where is the science to support reducing unregulated wetlands to 1,000 square feet?

Page 3
- Under Scientific or Factual, is the statement, “An outright prohibition is not supported by BAS” true or false? What is the science?

Page 4
- The first bullet under Buffers – Policy, “Are the proposed buffers the smallest that science will support? If not, why not” is questioning the science. The Commission will review the minimum and maximum range as it reviews the draft ordinance.
- Is it always the case that, “Estuaries and marine wetlands receive no points for habitat” as stated in the first sentence under Rating wetland categories – Policy? And, if so, why? Mr. Sonnen confirmed the statement and added that DOE has purview over freshwater wetlands. Its rating system is geared to freshwater wetlands and a “one size fits all” approach was taken for marine wetlands. The County is relying on DOE’s model for assigning points. Staff will research the issue.
- Regarding the last issue, what is a Rural Stewardship Plan? Mr. Sonnen explained the person making the comment sent a letter to King County and felt compelled to send Thurston County the same letter. Staff is currently researching incentive programs as previously requested by the Commission.
• Related to the issue, “Provide buffer reduction in exchange for corridor protection,” is the last sentence of the first paragraph, “These suggestions are consistent with wetland protection strategies recommended by Ecology” true?

Page 7
• Under Scientific or Factual, is it true that the fixed buffer width is not consistent with BAS but is a based more on value judgment? Mr. Sonnen indicated staff will follow up on the allegation. Does the Raedeke Associates, Inc. study provide additional science? Recommending “greater flexibility in allowing buffer width averaging” is a common practice by the Residential Conservation Service Programs (RCS) and conservation districts. Is there a scientific basis for variations?

Page 8
• Staff is currently conducting research that will address the issue, “Blanket prohibition of mining is discriminatory, is not based on BAS, and results in regulatory takings.”

Page 10
• Related to the issue, “Grazing should be allowed,” the Commission is interested in more information related to “environmentally friendly grazing.”
• Research concerning the issue, “Add a section on maintenance, repair or replacement of utilities” can be included with previously identified information needs regarding utilities.

Page 11
• Related to the first bullet under Scientific or Factual, is it true the County has no BAS to bar gravel mining in affected areas? The Commission requested including the issue with the other gravel mining research items. Additionally, staff should contact Sue Danver with the Black Hills Audubon Society to determine if its draft paper has been published.

Page 12
• Has the County thought about mosquito control as referenced in the last bullet related to the issue, “Integrated Pest Management?” Mr. Sonnen said there is some allowance for mosquito control in the draft ordinance based on West Nile Virus. Staff will follow up on the comment.
• Does the County have the legal right to restrict pesticides as stated in the first bullet?
• The second comment from the bottom states it’s not possible to differentiate between naturally occurring nitrate from a bog versus the agricultural produced nitrate. Is that true?

Page 13
• Staff will pull the comment and develop “real life case examples” to test the second comment “…banning the establishment of any new roads in buffer areas makes it impossible for me to expand my agricultural operations or to subdivide my land…”
• The sixth comment states some harvest equipment is 18-feet wide. Is there equipment that is 18 feet wide in between the tires making 15-foot roads not sufficient for access? Staff will research the question.

Page 15
• Are there stormwater facility standards that conflict with state and nationally accepted practices?

Page 17
• Under Mitigation for wetland impacts – Policy, what is Mr. Mackie’s much better science? The Commission directed staff to follow up with Mr. Mackie to determine if he
has additional science.
- Staff is addressing the special report waiver provision as identified in the last issue on page 17 and at the top of page 18.

Staff and Commissioners identified research needs for the *General Provisions* section.

**Page 2**
- Concerning the last issue, “Forestry - coordination with Department of Natural Resources (DNR)” and the comment that Section 17.15.310(F) is not written clearly, Mr. Sonnen replied the issue is improving the clarity of the language.

**Page 4**
- Is a surety bond cost prohibitive as alluded to in the last issue, “Surety bond is cost prohibitive or impossible to obtain by average citizen?”

Staff and Commissioners reviewed the *Administrative Procedures* matrix for research needs.

- Is there a provision that addresses the concern that a person would have to be in compliance with all of the permitting requirements in order to be considered for another permit for any of the previous permits that were authorized? A self-enforcing provision makes sense. Staff will research the matter.

Staff and Commissioners reviewed the *Definitions* matrix for research needs.

**Page 2**
- The eighth bullet under “Alteration,” the Commission will critique the definitions for “alteration” and “impact” with its review of the proposed draft ordinance.

Mr. Sonnen asked Commissioners to e-mail information needs to staff regarding the remaining matrix sections; i.e., Amendments to Chapter 20.60, Miscellaneous Amendments, General Purposes, and Other Comments.

6. **Staff Updates**

Mr. Sonnen reported on March 15, 2006, staff provided an update to the Board of County Commissioners (BoCC) concerning on the Western Washington Growth Management Hearings Board (WWGMHB) response and potential lands that could be released from the moratorium. Three areas that could be released from the rural County include the resource districts, areas that fall outside of the rural rezoning study areas, and limited areas of more intensive rural development (LAMIRDS). There are also additional potential releases from the urban growth areas (UGAs). The BoCC directed staff to keep its options open so it can respond appropriately to WWGMHB decisions and avoid an invalidity order.

Mr. Sonnen explained the County did not have a documented market factor when projecting its 20-year population needs. The 20-year population projection for the cities and their respective
growth areas is 37,500 units. Approximately 34,600 units are included within the cities, which assume there are 2,900 units needed for the growth areas. If more than that is released, the County runs the risk of a motion filed with the WWGMHB requesting that the County’s comprehensive plan and regulations be declared invalid and possibly the WWGMHB declaring a portion of the plan and regulations invalid. The County will not know about its capacity issues until August. In the short-term, the BoCC is considering the release of lands that will not be affected by the decision. Staff had recommended core areas that are bounded by the city on one side and fully developed at urban densities along the perimeter, which allows for some infill development. There is also pressure to release areas that are committed to urban development where all necessary services are available. The BoCC directed staff to apply criteria uniformly to all growth areas. All areas similarly situated add another 12,000 housing units to the equation.

Discussion ensued about the color-coded map presented to the BoCC earlier in the day and how critical areas were addressed. Mr. Sonnen noted the BoCC is under significant pressure to release other lands from the moratorium.

Additionally, on March 22, 2006, the BoCC will follow up on the rural rezoning project. There is a desire for the BoCC to make a decision soon thereafter. Mr. Sonnen said there are a few isolated parcels that are scattered in the proposed study areas. The BoCC is looking at alternative approaches for possibly eliminating some of them from the study areas.

Chair Roper requested staff e-mail members the meeting time for the BoCC’s March 22, 2006 meeting.

Chair Roper said it’s her understanding the Washington State Supreme Court has requested interested parties submit briefs regarding whether the court should accept the County’s appeal of the WWGMHB decision. Mr. Sonnen confirmed a decision has not been rendered. He indicated he is unaware the Supreme Court is soliciting briefs. The County has retained the legal services of Richard Settle. County legal staff and Mr. Settle will represent the County in a Supreme Court or Court of Appeals action.

7. **Calendar – (Tentative) and Attendance**

Mr. Sonnen distributed an attendance list for members to indicate their availability for upcoming meetings.

- March 29, 2006: W: Critical areas flooding; B: Rural rezoning, Phase 2; B: Discuss alternative approaches for minutes *(Commissioner Lane unable to attend, Commissioner Kohlenberg tentative).* If rural rezoning is not ready, staff will work with the Chair to schedule another critical areas chapter for review.

- April 5, 2006: B: LAMIRDs – Rochester area; W: Critical areas (Geologic Hazard areas) *(Commissioner Kohlenberg tentative).*
8. **Adjournment**

There being no further business, Chair Roper adjourned the meeting at 8:52 p.m.

Joyce Roper, Chair  
Liz Kohlenberg, Vice Chair

Prepared by Cheri Lindgren, Recording Secretary  
Puget Sound Meeting Services

*Corrected April 19, 2006, Cami Petersen*
## Thurston County Planning Commission

### REQUEST FOR INFORMATION SUMMARY SHEET

<table>
<thead>
<tr>
<th>DATE OF REQUEST</th>
<th>ISSUE/REQUEST</th>
<th>AUTHOR</th>
<th>STAFF</th>
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<tbody>
<tr>
<td>1/26/05</td>
<td>Field Trip when begin working on Development Code Docket or at least comprehensive maps</td>
<td>Chair Kohlenberg</td>
<td>Advanced Planning Staff/N. Pritchett</td>
</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>
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<tr>
<td>2/16/05</td>
<td>TCPC participate in the CFP process or comments</td>
<td>Commissioner Lyman</td>
<td>John Sonnen/Mark Swartout</td>
</tr>
<tr>
<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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<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>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.

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

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.

Commissioners Commission Lyman

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.

Staff Staff/Planning Commission

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 Road SE area)
- Supply larger maps for the open house on December 8, 2005
- Determine what is located on the area located within the tribe’s UGA

Planning Commission Staff

12/7/05 Commitment to the BoCC to provide a companion piece in addition to the proposed

Commissioner Lyman Commission
draft (CAO) to help the Board to determine the range of science and options

2/15/06 Follow up with legal staff to ascertain how many other counties have been challenged by Futurewise

Commissioner Cole  Jennifer Hayes

2/15/06 Staff to check to ensure the refined map (Map 2 Rural Character) looks at 20 acre or greater parcels

Commissioner Ottavelli  Jennifer Hayes

2/15/06 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

Commissioners  Staff

2/15/06 Ascertain whether it is possible to provide an interactive workshop showing several map combinations

Commissioners  GIS Staff

2/15/06 Obtain legal opinion regarding risks associated with large removal of large areas of agricultural lands from the rezone study areas project

Jennifer Hayes  Staff

2/15/06 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.

Commissioner Ottavelli  Jennifer Hayes

2/22/06 Commissioner Kohlenberg requested knowing how local species are defined and selected

Commissioner Kohlenberg  Staff

2/22/06 Staff to research public testimony regarding what is the BAS for expanding a list of rare and endangered species as outlined in the amendment

Commission  Staff

2/22/06 Requested staff analysis of the impacts of gravel mining in riparian and management zones concerning important habitats

Commission  Staff

2/22/06 Research with legal staff what the distinction is of agriculture occurring on designated agriculture resource lands and agriculture on other lands

Commission  Legal Staff

2/22/06 Provide comparative data for habitat about the impacts of mining similar to data on impacts to wetlands caused by mining

Commission  Staff
<table>
<thead>
<tr>
<th>Date</th>
<th>Item</th>
<th>Responsible Parties</th>
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<tbody>
<tr>
<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>
</tr>
<tr>
<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>
</tr>
<tr>
<td>3/1/06</td>
<td>Commissioners requested a review of frequently asked questions (FAQs) prior to posting online</td>
<td>Commission Staff</td>
</tr>
<tr>
<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>
</tr>
<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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