THURSTON COUNTY PLANNING COMMISSION

Minutes
March 29, 2006

1. Call to Order

Chair Roper called the special meeting of the Thurston County Planning Commission to order at 7:04 p.m. Everyone provided self-introductions.

a. Attendance

Members Present: Chair Joyce Roper, Commissioners Tom Cole, Liz Kohlenberg (8:43 p.m.), Liz Lyman, Bob Musser, Scott Nelson, and Rhenda Strub (7:13 p.m.)

Members Absent: Commissioners Chris Lane and Craig Ottavelli

Staff Present: John Sonnen, Gina Suomi, Cami Petersen, Jennifer Hayes, and Cheri Lindgren and Jessica Tate, Recording Secretaries, Puget Sound Meeting Services

b. Approval of Agenda

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

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

Commissioner Cole reported he provided staff with a copy of a LOTT paper concerning reclaimed water. Staff will review the materials and follow up with the Commission.

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

Commissioner Cole moved, seconded by Commissioner Musser, to approve the minutes and accept the tapes of the March 15, 2006 meeting.
The following correction was requested to the minutes of March 15, 2006:

- On page 5, the word “acres” in the first and third sentences of the paragraph under Page 2 should be changed to “acre.”

**The motion carried as amended. Commissioner Lyman abstained.**

4. **Briefing: Discuss Alternative Approaches for Minutes**  
   *(Staff: Gina Suomi and Cami Petersen)*

Chair Roper provided background information for staff. The Commission is interested in discussing alternative approaches for minutes and the possibility of digitally recording the meetings.

*Commissioner Strub arrived.*

Commissioners provided the following comments:

- The Commission’s minutes were in a summarized format. It takes less time for the Commission to review but more difficult for recording staff to summarize. The tapes are the official record. Staff provides Commissioners unable to attend a meeting with a copy of the tapes. Detailed minutes are not necessary if no one is reading the minutes.
- The format of the minutes evolved to more detail with the advent of the new recording secretary. The Commission previously decided on a bulleted format for the minutes. The narrative style is beneficial for someone who did not attend the meeting. There was a difference of opinion among Commissioners regarding a bulleted format versus a more narrative written record. Digital recording will eliminate the need to provide members with a copy of the meeting tapes.
- Bulleted minutes should include action items, motions, and parking lot requests.

Ms. Suomi reported staff researched the possibility of providing a digital record of the meeting. She described how the digital recording system functions. An example of minutes utilizing digital recording was distributed. Commissioners and staff discussed retention and storage of minutes, viewing minutes online, posting draft versus final minutes, and whether access to draft minutes can be restricted to the Commission and staff. It was acknowledged that some members and the public may not have DSL or cable internet capabilities. Ms. Petersen said staff has tested dial-up, which can provide access to minutes but at a slower rate of speed.

Staff proposes testing the digital recording method at the April 5 meeting with a decision to follow at a future meeting. Discussion ensued about capturing public hearing testimony.

**The Planning Commission agreed to schedule the alternative approaches for minutes as an action item for the April 26, 2006 meeting.**

5. **Moratorium Maps and Process Discussion**
Mr. Sonnen provided a briefing concerning areas the Board of County Commissioner’s (BoCC) is considering for release under the residential subdivision moratorium. The BoCC scheduled a worksession for 3:00 p.m. on April 5. There is a provision in the Western Washington Growth Management Hearings Board (WWGMHB) decision that if applications vest in ways that undermine the County’s ability to comply with the mandate, the WWGMHB could entertain a motion to impose invalidity on the County. On August 1, 2005, the BoCC adopted the residential subdivision moratorium for two reasons:

- To keep options open to respond to the WWGMHB decision in the most appropriate way
- To stave off an invalidity order from the WWGMHB

The BoCC also considered releasing areas that are not affected by the ruling. The BoCC released some areas and is considering other possibilities such as releasing resource areas and a 40-acre piece within a limited area of more intensive rural development (LAMIRD). Mr. Sonnen referred to the Commission’s recommended draft study areas and noted the 40-acre parcel is proposed as part of the rural rezoning study areas. Staff proposes the BoCC consider releasing subdivisions not creating a density greater than 1:5 in LAMIRDS. The BoCC is considering releasing some of the isolated areas. The BoCC is identifying study areas and has asked staff to present alternatives to exclude some of the isolated parcels from rural rezoning study areas. The BoCC is considering the Commission’s recommendation and other options. Once the study areas are identified, the BoCC will consider releasing areas outside the bounds of the study areas from the moratorium.

Mr. Sonnen provided information on the urban growth areas (UGAs) that the County is required to accommodate 20 years of projected growth. The Office of Financial Management (OFM) provides a low and high range of projected growth over a 20-year period. A total of 70% of projected growth is allocated to the UGAs and 30% to the rural County. State law allows jurisdictions to develop a market factor above and beyond the 20-year population allocation to account for local conditions. The County doesn’t have a market factor. The County’s excess capacity of the growth areas was based upon 2000 and 2004 data. A new population allocation suggests the County’s capacity is not as great as believed when the WWGMHB decision was issued. If the rural rezoning and LAMIRDs work reduces the capacity of the rural areas to accommodate 30% residential development allocation, the shortfall will have to be absorbed in the growth areas. If it is determined the UGA is oversized, the County will work with jurisdictions to shrink the growth areas. The County has approached the cities and asked for identification of possible areas for removal from the UGAs.

Staff presented a map and reviewed proposed study areas the cities of Olympia, Tumwater and Lacey have identified. Mr. Sonnen reviewed staff alternatives for the BoCC’s consideration:

- “Do nothing” because the target is unknown until August 2006.
- The “green” option includes areas along the perimeter that are either developed on sewer at 4 units per acre or more or were vested before the subdivision moratorium. Based on the 2004
data, the overall population allocation for the urban area is 37,500 units. Approximately, 
34,600 units are within the cities leaving 2,900 units to accommodate in all UGAs. If a 25% 
market factor is assumed, it increases the number of units needed to 12,275. The “green” 
alternative releases 6,600 units, which is in excess of the 2,900 and falls short of 12,275 
units. County legal staff indicated they can defend the “green” option.

- A third alternative releases areas within Olympia and Tumwater, as Lacey is currently 
pursuing additional water rights to accommodate vested developments.

Comments and/or questions by the Commission and staff included:

- Both the City of Tumwater and the County adopted the Salmon Creek Basin Plan that calls 
  for downzoning. Minimum density within an urban growth area is 4 units an acre. The 
  Salmon Creek Plan calls for an even lower density. It appears the City is reluctant to protect 
  the Salmon Creek area.
- A concern that Tumwater will force the County to pick up the residential capacity if it 
  continues to expand its commercial zoning base.
- Staff clarified the number of units revealed in the discussion above are inclusive of the 
  current critical areas. Some Commissioners said they would be more comfortable if the 
  BoCC was taking into account the proposed critical areas ordinance. Can the Commission 
  raise the issue and suggest the BoCC take into account the County’s proposed critical areas 
  ordinance prior to releasing lands from the moratorium?
- Commissioners expressed concerns about the process. There is no opportunity to provide 
  input because public testimony is closed. Commissioners have not attended the BoCC 
  hearings and provided testimony because of their position and to maintain a sense of 
  objectivity as it reviews matters. The issue of when it is appropriate for the Commission to 
  voice opinions and/or provide information to the public versus another method should be 
  revisited. Providing comments at a public hearing puts the Commission in an awkward 
  position. Mr. Sonnen explained the BoCC has the authority to adopt moratoriums on an 
  emergency basis and usually takes action immediately. The BoCC has no legal obligation to 
  seek a recommendation from the Commission. The decision to release areas is central to the 
  Commission’s task concerning the rural rezoning project. The Commission could express its 
  concerns to the BoCC at its April 5 meeting.
- Commissioners are concerned that releasing lands from the moratorium could influence 
  critical areas, the rural rezoning project, and potential downsizing of the UGAs. The BoCC 
  approved a critical path and it appears the BoCC is circumventing the critical path.
- The County is required to provide a variety of zoning densities in the rural area. Releasing 
  lands from the moratorium could affect the Commission’s decision regarding the UGAs.
  Any downzoning in the rural County requires the UGAs to absorb the capacity.
- The rural rezone decision is nebulous. The WWGMHB didn’t give the County guidance 
  concerning how much of the County should be rezoned. The decision is clear that the UGAs 
  are oversized by a significant percentage.
- Rural rezoning and critical areas are both undecided. The BoCC is considering releasing 
  lands from the moratorium before two very important variables have been determined. There 
  is a concern the County could create future nonconforming uses if lands are released because 
  there is no decision concerning critical area buffers. The WWGMHB could issue a finding
of invalidity. Mr. Sonnen stated the BoCC has been apprised of the alternatives and associated implications.

Commissioner Strub moved, seconded by Commissioner Lyman, to submit a letter to the BoCC and recommend no release of any lands from the moratorium in the UGA (staff option #1) until the Planning Commission has completed the critical areas ordinance and rural rezoning project.

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Commissioner Nelson expressed uncertainty about the motion. The critical path was determined before he was seated on the Commission. The BoCC is not required to ask the Commission’s advice concerning the moratorium. Commissioner Cole reported his concern is that releasing lands from the moratorium preempts land use decisions that are under the Commission’s review purview as well as deviating from the approved critical path.

Commissioner Kohlenberg arrived.

Motion carried. Commissioner Nelson abstained.

(Staff: Jennifer Hayes)

Ms. Hayes reviewed a proposed agenda for discussion purposes. Staff reported the BoCC received a PowerPoint presentation on March 22. The following maps were distributed to Commissioners:

- Rural Rezoning Analysis Study Areas Map (Planning Commission recommendation)
- Recommended Rural Rezoning Analysis Study Area Refined Map 1 – 320/200
- Recommended Rural Rezoning Analysis Study Area Refined Map 2 – 320
- Recommended Rural Rezoning Analysis Study Area Refined Map 1A – 320/200
- Recommended Rural Rezoning Analysis Study Area Refined Map 2A – 320

Ms. Hayes reviewed the BoCC’s issues/concerns about the Commission’s recommendations:

- How to deal with the “white” spaces within the “green” blocks of land.
- Is 40% too much.
- Hardship cases.
- Specific geographic areas such as the Salmon Creek Basin.

Staff reviewed the maps with the Commission. The BoCC has since requested additional maps:

- Highlight and calculate percentages for the Black River Corridor, Salmon Creek Basin, Green Cove Basin, McAllister Springs, and lands that buffer long-term resource lands and urban reserve lands
- A map showing the Commission’s recommendation and Refined Map 2A – 320 without the “blue” outlined areas with three options in between:
- Add back to Map 2A –320 the Salmon Creek Basin, Black River Corridor, Green Cove Basin, and MGSA
- Map 2A – 320 plus urban reserve lands based on a half-mile distance from the edge of the existing UGAs regardless of the parcel size
- Map 2A –320 plus urban reserve lands and lands that buffer long-term agriculture and forestry areas

Commissioners reviewed a *Rural Rezoning Project Proposed Phase II Timeline* flowchart. Staff described upcoming activities beginning with the Commission’s April 19 meeting.

**Commissioner Kohlenberg suggested staff incorporate the decision concerning applications for volunteering lands that are due by mid-May in the timeline.**

It is anticipated a final recommendation from the Commission will be forwarded to the BoCC in September. The WWGMHB deadline is November 30, 2006. Staff and the Commission will discuss the timeline in more detail at its April 5 meeting.

Ms. Hayes distributed a paper listing three questions and a list of information sources for the Commission’s feedback:

- Do we really want to create a new zoning district in this area?
- What is the appropriate density (1:10 or 1:20)?
- What specific regulatory tools can work here?

Staff requested the Commission review the questions and provide feedback at the next meeting.

Discussion ensued about accessory dwelling units, low impact development, and information available from state agencies including Washington State Department of Fisheries (WDFW).

Staff distributed and reviewed a *Getting the Word Out on the Volunteer Program* handout. Commissioners asked staff to provide notice to other river councils in addition to the Nisqually River Council and additional organizations:

- Shellfish Protection District
- Thurston County Cattlemen
- Thurston County Cattlewomen
- family forest groups
- organic farm groups
- Pomona Grange
- Capital and Nisqually Land Trusts
- Weyerhaeuser
- Port Blakely
- Taylor Shellfish United
- local Chambers of Commerce.

Ms. Hayes reviewed the volunteer meeting format and dates available at the Expo Center, Thurston County Fairgrounds. The Commission agreed on tentative dates April 24 or April 27, 2006. Commissioner Lyman suggested inviting a representative from the Assessor’s Office at the meeting.

Ms. Hayes distributed a *Sample Thurston County Assessor’s Property Values* for review.
Staff and Commissioners will discuss the last two rural rezoning agenda items at the April 5 and April 19 meetings. Staff referred to an article from the Department of Community, Trade and Economic Development’s (CTED) website that describes potential pitfalls associated with large lot zoning.

7. **Staff Updates**

Mr. Sonnen reported he e-mailed information about a science panel meeting on May 18, 2006 at 7:00 p.m. Staff will follow up with members at the next meeting.

8. **Calendar (Tentative) and Attendance**

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

- April 5: B: LAMIRDs – Rochester area; W: Critical Areas – flooding, geologic hazard areas; trial digital recording of meeting; and follow up on Rural Rezoning Phase 2 materials
- April 19: Open space public hearings (3); Rural Rezoning; Evaluate results of digital recording of April 5, 2006 meeting (*Chair Roper unable to attend*)
- April 26: Critical Areas – Flooding and Geologic Hazards

9. **Adjournment**

There being no further business, Chair Roper adjourned the meeting at 9:40 p.m.

Joyce Roper, Chair
Liz Kohlenberg, Vice Chair

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services
*Corrections made by Cami Petersen on April 26, 2006*
### 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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<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
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<tr>
<th>Date</th>
<th>Action</th>
<th>Responsible Parties</th>
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<tbody>
<tr>
<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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<tr>
<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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<tr>
<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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<tr>
<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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<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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<tr>
<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>Item</td>
<td>Responsible Party</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>
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<td>Staff</td>
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<tr>
<td>2/22/06</td>
<td>Discuss clarification of terms related to estuary and estuarine wetlands</td>
<td>Chair Roper/Commissioner Lyman</td>
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<td>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</td>
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<td>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>
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<td>Staff</td>
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<td>3/1/06</td>
<td>Air information on TCTV Channel 3 regarding the Volunteer Rezoning Program</td>
<td>Commission</td>
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<td>Staff</td>
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<td>3/29/06</td>
<td>Staff to provide notice to other river councils and other organizations regarding the Volunteer Program.</td>
<td>Commission</td>
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<td>Staff</td>
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<td>3/29/06</td>
<td>Commissioners to provide feedback and comments by April 5, 2006 regarding the three questions: Do we really want to create a new zoning district in this area? What is the appropriate density? What specific regulatory tools can work here?</td>
<td>Staff</td>
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<td>Commission</td>
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<td>3/29/06</td>
<td>Invite representative from Assessor’s Office to the Volunteer Meeting</td>
<td>Commissioner Lyman</td>
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<td>Staff</td>
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