1. **7:01 PM CALL TO ORDER**
Chair Roper called the February 7, 2007 regular meeting of the Thurston County Planning Commission to order at 7:01 p.m. Commissioners present provided self-introductions.

**Attendance:** Chair Joyce Roper, Commissioners Tom Cole, Liz Kohlenberg, Chris Lane, Liz Lyman, Bob Musser, Scott Nelson, Craig Ottavelli, and Rhenda Strub.

**Staff:** John Sonnen, Celinda Adair, Cinde Donoghue, Cami Petersen, Nancy Pritchett, Katie Knight, and Recording Secretary Cheri Lindgren.

**7:02 PM APPROVAL OF AGENDA**

**MOTION:** Commissioner Ottavelli moved to approve the agenda as presented. Commissioner Lyman seconded. Agenda approved.

2. **7:02 PM PUBLIC COMMUNICATIONS (Not associated with topics or which public hearings have been held.)**
There were no public communications.

3. **7:02 PM APPROVAL OF MINUTES**

**MOTION:** Commissioner Kohlenberg moved to approve the January 17, 2007 minutes and accept the audio as the official recording. Commissioner Musser seconded.

**DISCUSSION:** The following corrections were requested to the January 17, 2007 minutes:

- Revise the last full sentence at the bottom of page 2 to read, “The statute provides an opportunity for the County to recover attorney fees and costs from complainants making nuisance claims against agricultural uses in place prior to the complainants buying near agriculture properties.”
- Within the third line on page 3, change “research” to “resource”
- At the end of the second bullet on page 3, add “as part of the rural rezone regulatory amendments.”
- At the end of the third bullet on page 3, add “and make the change as part of the rural rezone regulatory amendments.”
- Within the last paragraph on page three, strike “that are already litigated and settled.”
- At the end of the second sentence within the first bullet on page 4, add the text,
“However, this balancing must be achieved in the entire GMA process including the comprehensive plan, County-wide planning policies, and development regulations. It is unrealistic to balance all the goals for each and every amendment.”

- Within the third bullet on page 4:
  - Strike the sentence, “It could result in takings” within the third line
  - Restate the next sentence to read, “The County is protected from a takings argument when including a reasonable use exception.”
  - Strike the next to the last sentence, “The County could get sued and a court could find it liable for a taking.”

There was discussion about whether to reflect a show of hands about matters in the minutes and if legal or other staff have an opportunity to review the draft minutes. The Commission agreed to discuss the show of hands issue at a future meeting and that legal and other staff should have a chance to review the minutes prior to sending them to the Commission.

**Motion carried to approve the January 17, 2007 minutes as amended. Commissioners Lyman and Cole opposed.**

4. **7:15 PM W: 2007 PRELIMINARY COMPREHENSIVE PLAN AND CODE DOCKETS (Opportunity to add projects and identify priorities)**

*(Staff: Nancy Pritchett and Katie Knight)*

**ITEM:** Staff reviewed with the Planning Commission Comprehensive Plan and Development Code amendment proposals under consideration for the 2007 Preliminary Dockets established by the Board of County Commissioners (Board). The Board will be briefed on which proposals to consider in the coming weeks. Staff briefed the Planning Commission to give members the opportunity to comment on the proposals and add to the proposals prior to briefings with the Board.

**DISCUSSION:** Ms. Knight reported staff will brief the Board of County Commissioners (BoCC) on the draft summary of proposed 2007 Comprehensive Plan amendments. Attachment 1 is a draft summary of preliminary development code docket items.

Discussion followed about higher versus lower priority docket items and that some full time employee (FTE) equivalents outlined on Attachments 1 might be low. Chair Roper suggested that item #9 remain a high priority item. Commissioner Lyman noted items in the medium and low priority categories that correct errors should be a priority and resolved. Chair Roper suggested that the review of special use regulations should remain as a high priority item.

**7:22 PM** The Commission reviewed the draft summary of proposed 2007 Comprehensive Plan Amendments. Commissioners discussed #11, Cluster Development Project. Commissioners suggested considering cluster development following completion of the Critical Areas Ordinance (CAO).
ITEM: Staff reviewed with the Planning Commission the Board of County Commissioners letter of remand. Staff briefed the Planning Commission regarding components of the three proposals to assist them in formulating a new recommendation to the Board of County Commissioners.

MOTION: Commissioner Ottavelli moved to resubmit the three rural rezone proposals to the BoCC unchanged as originally presented on January 24, 2007. Commissioner Strub seconded.

DISCUSSION: Commissioners discussed the Board’s direction that the Planning Commission recommend a single rural rezoning proposal that has the support of a majority of the Commission.

The Commission’s discussion points are summarized as follows:

- Attempt to modify one of the alternatives.
- The BoCC did not provide clear direction. Mr. Sonnen conveyed that staff understands that the Board is interested in one preferred alternative. At least one County Commissioner is looking forward to a majority recommendation and, if applicable, a minority report. The Planning Commission has some latitude about how it approaches the Board’s remand.
- Five Commissioners support Option 3. A question is why the Board didn’t consider Option 3.
- The Planning Commission worked on the rural rezoning proposal for over a year and was unable to come up with a preferred alternative.
- Rather than trying to meld the options into a single alternative, Commissioners could take a vote on Option 3. If there is a majority, the Commission can forward a recommendation along with a minority report.
- If Commissioners had not made the initial decision to develop three proposals, a single proposal would look much different than what’s reflected currently for Option 3.
- Different opinions are reflected on each of the alternatives presented to the Board.
- The show of hands was not a Roberts Rules of Order maneuver. The Commission makes many of its recommendations based on consensus and works together in good faith to reach a conclusion. The Commission decided it would develop three options to capture each member’s interest and forward the options to the Board on equal footing.

Motion failed two in favor, seven opposed.
Commissioner Ottavelli moved to recommend Option 1 rural rezone proposal to the BoCC as the single rezoning proposal with the highest likelihood of assuring compliance with the Washington State GMA, reducing sprawl, retaining rural character, and protecting critical environmental assets. Commissioner Strub seconded.

Commissioner Lyman said Commissioners have not discussed Commissioner Kohlenberg’s suggestion to incorporate elements from Options 1 and 2 into Option 3 and try to arrive at a preferred alternative. The Commission should be able to discuss the matter. A divisive approach is bothersome. Commissioner Ottavelli clarified the intent of his motion.

Commissioner Lane said a goal should be to impact as few County residents as possible and satisfy the Western Washington Growth Management Hearings Board (WWGMHB) mandate.

Commissioners Strub and Ottavelli emphasized Option 1 was developed with compromises along the way and that they are not willing to compromise further from this point forward.

**Motion failed two in favor, seven opposed.**

7:57 PM Commissioners discussed revising the options. Ideas presented included:

- Incorporate critical areas and their associated buffers in Option 3 where they overlap with rural character. Dialogue about how this approach impacts work done to date on the CAO followed.
- Incorporate the buffers for resource lands into Option 3 with 1/10 zoning. Commissioners reviewed Attachment 3, “Other Counties’ Rural Zoning Densities and Policies” matrix. Ms. Adair said including resource land buffers would result in an additional 8 - 11% of rural lands. Ms. Adair reviewed the Option 2 and Option 3 display maps as discussion ensued about including buffers for resource lands.
- If the Salmon Creek, Black River Corridor, or Nisqually bluff areas overlay a critical aquifer recharge area, those properties could be zoned 1/20 in Option 3 and the remainder of lands zoned 1/10.
- Related to Option 2, change the zoning to 1/10 for the buffer areas and retain 1/20 zoning for Salmon Creek, Black River Corridor, and Nisqually Bluff.

Commissioners referred to the prioritization pyramid labeled Attachment 2 and discussed the category breakdown.

8:28 PM **MOTION:** Commissioner Kohlenberg moved to recommend to the BoCC the addition of a 1/10 buffer on long-term resource lands to Option 3. Commissioner Lyman seconded.
Commissioner Nelson asked to revisit the language proposed in the zoning amendments as a result of the change. Ms. Adair said staff will incorporate the necessary changes in the proposed zoning code for the Commission’s review.

**Motion carried 7 in favor, 2 opposed.**

**Commissioner Kohlenberg moved to recommend to the BoCC changing the rural character aquifer recharge from 1/20 to 1/10 zoning for Option 3.** Commissioner Lane seconded. **Motion carried 7 in favor, 2 opposed.**

Discussion about forwarding a recommendation concerning Option 3 prior to the changes discussed above followed.

**Commissioner Lyman moved to recommend to the BoCC changing the zoning from 1/20 to 1/10 for the buffer areas around the resource lands in Option 2.** Commissioner Cole seconded. **Motion carried 7 in favor, 2 opposed.**

**Commissioner Lane moved that the Commission recommend approval of the original Option 3 to the BoCC.** Commissioner Nelson seconded.

*Following a brief discussion, the makers of the motion withdrew the motion.*

**Commissioner Cole moved that the Commission forward Option 3 with both amendments to the BoCC.** Commissioner Kohlenberg seconded. **Following a discussion, the makers of the motion withdrew the motion.**

**Commissioner Lane moved to forward Option 3 in its original form to the BoCC as the Planning Commission’s recommendation.** Commissioner Nelson seconded. **Motion failed 3 in favor, 5 opposed.**

**Commissioner Nelson moved to forward Option 3 with both amendments (buffers for resource lands at 1/10 and changing the zoning for areas with aquifer or water quality concerns and rural character from 1/20 to 1/10) to the BoCC.** Commissioner Lyman seconded. **Motion carried 5 in favor, 4 opposed.**

Discussion ensued about what is needed to forward a minority report to the BoCC. It was noted a majority and minority report is necessary for the initial Option 3 proposal. Commissioners Ottavelli and Strub indicated that they would file a minority report for Option 1. Chair Roper asked if anyone was willing to join her minority report for Option 2. No other commissioners indicated support for Option 2 so Option 2 will not proceed to the board.

Mr. Sonnen conveyed that staff will present the associated code amendments as they relate to the majority report to the Commission at its February 21, 2007 meeting.
6. **8:44 PM B: DISCUSS SCHEDULES FOR THE CRITICAL AREA AND CLUSTER PROJECTS**

(Staff: John Sonnen)

**ITEM:** Staff reviewed with the Planning Commission work program schedules for critical areas and cluster development projects in 2007.

**HANDBOUTS:**
- 2007 Tentative TCPC Calendar
- Critical Areas Project Task List

**DISCUSSION:** Mr. Sonnen distributed the two handouts.

Discussion ensued about clarification related to an approach to update the CAO and the Shoreline Master Program (SMP) using a parallel process. Mr. Sonnen said the initial work program assumes the processes will follow separate tracks. He provided Commissioners with a primer about the processes and alternatives and indicated staff will brief the Commission further about the merits associated with a different course of action at its February 21, 2007 meeting. The CAO update could benefit from the inventory analysis work that is an element of the Shoreline Management Program update.

Discussion ensued about staff providing members with information concerning the quality of data available for review to inform a decision about the CAO, if dovetailing the processes limits the Commission’s ability to address agricultural uses along shorelines as part of the CAO discussions, that taking another approach could result in a complete rewrite of the CAO, and the need for information on the science underpinning the rapid assessment method.

Staff and Commissioners discussed the tentative meeting calendar. Staff anticipates learning in April whether the growth areas are oversized. If it is determined the growth areas are oversized, the resizing matter will come to the Commission in July 2007.

In response to comments about the “possible cluster” agenda item shown on the calendar, Mr. Sonnen explained the tentative dates indicate when staff is available to present the topic to the Commission. Some Commissioners indicated they prefer to complete critical areas before taking up the cluster issue and suggested that the review of special uses could occur while staff is working on the UGA resizing, as a special uses review could be accomplished with other staff. Mr. Sonnen noted the Commission could complete the CAO amendments by October, followed by a three-month public outreach effort. The BoCC could hold hearings and take action in spring 2008.

The Commission agreed to approach the BoCC about delaying the cluster development work item.
7. **9:10 PM CALENDAR (TENTATIVE) AND ATTENDANCE**
   - February 21, 2007: W: Critical Areas (*Commissioner Kohlenberg unavailable, and Commissioner Ottavelli tentative*)

8. **9:11 PM STAFF UPDATES**
   Mr. Sonnen announced the BoCC extended the moratorium for another six months. On January 29, 2007, the Board considered releasing individual properties from the moratorium. The Board directed staff to draft an ordinance that would release lands recommended for Limited Areas of More Intense Rural Development (LAMIRD) designations (not contested as too large) and where there is no zoning change proposed. A future action could include removing lands not encumbered by any rural rezoning proposal. There are three individual properties with special circumstances that the Board could also consider for release from the moratorium.

9. **9:12 PM ADJOURNMENT**
   There being no further business, Chair Roper adjourned the meeting at 9:12 p.m.

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   Joyce Roper, Chair

   Prepared by Cheri Lindgren, Recording Secretary
   Puget Sound Meeting Services