1. **7:00 PM CALL TO ORDER**
Chair Roper called the March 7, 2007 regular meeting of the Thurston County Planning Commission to order at 7:00 p.m. Commissioners present provided self-introductions.

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

**Excused:** Commissioner Rhenda Strub.

**Staff:** John Sonnen, Cami Petersen, Sonja Cady, Celinda Adair, Cinde Donoghue, and Recording Secretary Jessica Tate.

2. **7:02 PM APPROVAL OF AGENDA**
**MOTION:** Commissioner Cole moved to approve the agenda as presented. Commissioner Lane seconded. Agenda approved.

3. **7:05 PM PUBLIC COMMUNICATIONS (Not associated with topics or which public hearings have been held.)**

Commissioner Nelson arrived.

Chris Carlson, representing the Henderson Inlet Nisqually Reach Shellfish Protection District as the co-chair, said he was involved with the marine section of the Critical Areas Ordinance (CAO) update. He expressed concerns about taking the CAO and passing it on for approval because of its close relationship with the Shoreline Master Program (SMP). The County is looking at updating the CAO again following the SMP update. Best available science (BAS) has not been incorporated into the CAO, which is a requirement. He referred to the Revised Code of Washington (RCW) 37A.172 and 37A.290 that reflects upon the relationship between the two programs. The Shellfish Protection District wants to ensure the County has a SMP and CAO that work together and are acceptable to the public.

Chair Roper reported Commissioner Strub is scheduled to talk about the importance of rural rezoning at a meeting hosted by Future Wise later in the evening.

Commissioner Ottavelli arrived.

4. **7:05 PM APPROVAL OF MINUTES**
**MOTION:** Commissioner Lyman moved to approve the February 21, 2007 minutes and accept the audio as the official record. Commissioner Lane seconded.
DISCUSSION: The following changes were requested to the February 21, 2007 minutes:

- Within the second bullet under item #3 on page 2, change the last sentence to read, “No other Commissioner indicated support for Option 2, so Option 2 will not proceed to the BoCC.”
- Commissioner Cole commented he’s not sure enough of the discussion was captured about the Commission’s concerns about integrating the SMP and CAO processes, specifically that adequate staff is needed to complete the CAO. Commissioner Kohlenberg said the fourth bullet point on page 5 talks about how the process would affect staff and the Commission’s course of action. Chair Roper added the sentence at the bottom on page 5 where the Commission asked staff to provide a scope of work for the grant and an estimate of staff time also captures some of the discussion. Commissioner Cole indicated he did not have a specific change for the minutes.
- Add a bullet point on page 5 that states, “Jeff Fancher replies the County will continue to be out of compliance with the Growth Management Act (GMA) until the 2004 CAO amendments and updates are complete.”

Motion carried as amended.

4. **7:13 PM** ADMINISTRATIVE SUPPORT CHANGES  
*(Staff: Cami Petersen, Sonja Cady)*

**ITEM:**

DISCUSSION: Ms. Petersen introduced Sonja Cady to the Commission. Ms. Cady will assume administrative support duties on behalf of the Planning Commission.

5. **7:14 PM** W: RURAL REZONING – COMPREHENSIVE PLAN AND DEVELOPMENT CODE AMENDMENTS  
*(Staff: John Sonnen, Celinda Adair)*

**ITEM:** Staff reviewed with the Planning Commission possible refinements to the draft comprehensive plan and code amendments pertaining to the majority rural rezoning proposal.

DISCUSSION: Commissioners discussed and clarified the appropriate process to rescind and/or reconsider a motion.

Ms. Adair reported staff incorporated changes to the comprehensive plan based on input from the Commission at the last meeting. Chair Roper referred to the February 21, 2007 discussion about amendments for the majority proposal, specifically the motion to strike the words, “resource oriented (agriculture, forestry, mineral extraction)” from the second sentence on page 2-15 so it would read, “Primary land uses in the one unit per twenty acre areas are open space and residential.” The motion failed with a 3-3 vote. Currently it reads, “Primary land uses in the one unit per twenty acres are resource oriented (agriculture, forestry, mineral extraction), open space and residential.” The issue is why
the County would allow resource oriented activities within aquifer recharge areas.

7:20 PM  **MOTION:** Commissioner Kohlenberg moved that the Commission reconsider the February 21, 2007 motion. Commissioner Lyman seconded.

Commissioners discussed the reasons for the initial motion and appropriate primary uses for the 1/20 zone. Mr. Sonnen reviewed the current primary uses, which do not refer to mineral extraction. Chair Roper said the comprehensive plan sets out the vision, which should be open space and residential. She indicated “passive recreation” could be added. The Commission agreed to strike the second sentence entirely and leave primary uses as open space, residential, and passive recreation within the comprehensive plan, and recommend no changes to the Development Code.

7:26 PM  **Motion carried to reconsider the February 21, 2007 motion, add “passive recreation” as a primary use, and strike the second sentence. Commissioner Nelson opposed.**

Commissioners discussed the recommended zoning code changes for the proposed new Rural 1/20 District. Mr. Sonnen suggested adding the following text to #1 under the “Purposes” section on page 2 to read in part, “Protect… minimizing development and avoid incompatible uses in environmentally…” The Commission directed staff to implement the change.

Mr. Sonnen referred to page 8 and the changes reflected under the “Purposes” section for the proposed new Rural 1/10 District. Commissioners offered no comments.

Mr. Sonnen referred to the “Nonconforming Uses, Structures and Lots” section on page 24. There are situations where people own multiple adjoining lots in old subdivisions. The intent is to make clear that the existing legal lots can be built upon and will not be deemed unusable as a result of the amendments. Legal staff provided the new language at the bottom of page 24 for consideration.

Discussion followed about how a “legal lot” is defined.

Chair Roper said the Hearing Examiner relies only on the zoning code to glean the County’s intent. She referred to the Special Uses Table. The Commission carefully distinguished 1/10 uses adjacent to resource areas that would not be allowed within aquifer recharge areas. She asked staff to include footnotes for clarification. Mr. Sonnen acknowledged the request for clarification.

6. 7:36 PM  **W: CRITICAL AREAS**  
*(John Sonnen, Cinde Donoghue, Celinda Adair)*

**ITEM:** Staff reviewed with the Planning Commission alternative approaches for integrating the Shoreline Master Program update and the critical area regulation update. Overarching issues pertaining to the update of the critical areas regulations were also


**DISCUSSION:** Mr. Sonnen reported staff is scheduled to brief the Board of County Commissioners (BoCC) on March 13, 2007 about integrating the CAO and SMP processes. The SMP update is due in 2011. Some jurisdictions that began updating their programs over three years ago are not completed. Currently, a bill is before the Legislature to extend the two-year timeframe to three years, with a provision to extend the timeline beyond that. However, the funding timeline has not changed. The County is currently eligible to apply for grant funds for the 2007-2009 biennium, which provides the County four years to develop the SMP without straining available resources. If the County waits until the 2009-2011 biennium, it is likely the update would not be completed by the deadline. A separate issue is that the SMP utilizes a thorough GIS analysis. There is an opportunity to use the analysis to inform the CAO. Staff plans to convey to the BoCC that it is prudent to pursue the funding for a variety of reasons. If the County is successful in securing funding, deciding whether to integrate the two processes is a separate decision point.

Commissioners discussed incorporating the SMP data with the CAO with the next update that is also due in 2011. Mr. Sonnen noted the SMP work will have a direct bearing on the CAO and could potentially affect wetland regulations. Commissioner Lyman indicated no one is arguing the benefit of applying for a grant to conduct the watershed analysis. The problem is trying to integrate the SMP with the current CAO amendments. Mr. Sonnen said the earliest the County could receive funding is July 2007. There are some areas of the CAO that are not tied to the SMP. The Commission could use the SMP at a later date to refine mitigation. Chair Roper said much of the Commission’s work on the CAO would be held back.

Commissioner Lyman said the proposed scope of work proposes to integrate critical areas boundaries into the SMP, which will create problems. A negative point is a lack of staff resources and Commissioners with prior knowledge if the CAO deadline is pushed back further. Mr. Sonnen suggested the Commission evaluate the three proposed approaches developed by staff. Comments by the Commission included:

- There is a need for staff to convey a clearer sense of neutrality related to integrating the two processes.
- More weight should be placed on the staff involved in the process.
- New science is constantly evolving and BAS is considered as decisions are made. The Commission needs to complete the CAO prior to working on the SMP.
- Integrating the analysis data with the CAO will require a complete rewrite.
- The 2011 SMP update deadline is optimistic.
- Commissioners want to use analysis information. The data can be incorporated as it becomes available.
- The Council will lose the opportunity to protect existing natural resources if it waits to update the CAO with the SMP in 2011.
- Staff conveyed its preference to pursue Option 3 at the last meeting. A question is
whether staff will modify its recommendations based on the Commission’s input of pursuing an update of the CAO. As additional information becomes available through the SMP process, the Commission can bring updates more current rather than holding up the CAO pending availability of the data.

- At the last meeting, Mr. Welter indicated staff plans to advance Option 3. The Commission could forward a letter to the BoCC if it’s unable to support the approach.

- A concern is whether there is adequate staff available to support updating the CAO.

- What happens if the County is unsuccessful in obtaining the full $500,000 grant? (Ms. Donoghue replied that integrating the two programs in the future is required. Even if the County is successful in securing grant funds, the BoCC has to take an action to accept the funding. Staff proposes to develop other alternatives related to integrating the two programs)

- The Commission can move ahead with its CAO update and use new information as it becomes available to inform the amendments.

- There are potential pitfalls if we rush through the watershed analysis in order to use that data for the current CAO amendments.

Mr. Sonnen reported the deadline for submitting a grant is approximately one month. He asked what role the Commission would like to take in the grant process. Ms. Donoghue outlined potential next steps:

- Seek BoCC approval to apply for grant funding
- Propose approach alternatives to the Commission
- Further discussion about integrating the programs is warranted if the County is able to secure grant funding

Ms. Donoghue said the draft “Thurston County Scope of Work, 2007-2009 SMP Grant” document will be submitted to the Department of Ecology (DOE). The SMP grant carries with it certain public outreach requirements. A technical advisory committee is one component and interagency meetings are required. Documented public outreach is required from the very beginning.

8:11 PM Discussion ensued about how to successfully involve the public in the process. Mr. Sonnen said direct mailings to property owners is one way, as well as disseminating information as it becomes available so people have time to review and digest the information. Staff currently has a broad distribution list.

Commissioners asked staff to periodically update the Commission about how SMP data collection and analysis is progressing, key decision points, policy decisions, and asked for a schedule of the open houses and/or public meetings in advance so Commissioners can attend. Commissioners requested a bar chart outlining the projected timeframe and an opportunity to include relevant information in the CAO.

In response to additional comments, Mr. Sonnen conveyed that staff will attempt to identify areas that the Commission should be aware of as it relates to shorelines and
shoreline-dependent uses.

The BoCC’s briefing on the rural rezoning project is scheduled for March 20, 2007 from 3:00 p.m. to 4:30 p.m. The SMP briefing is scheduled for March 13, 2007 at 3:00 p.m.

8:28 PM Commissioners reviewed the “Overarching Critical Areas Issues” document dated 1-10-07 beginning with policy issue #24 on page 22. Mr. Sonnen said the issues described on pages 22 through 32 are closely related topics. He recommended discussing citizen suggestions and sharing information staff has gathered. Staff is interested in further direction from the Commission.

Mr. Sonnen reviewed key comments. The research request was to document/clarify science regarding the need/value of buffers in developed areas. Ms. Donoghue reviewed staff’s response to the research request, such as the effectiveness of disturbed buffer zones in providing protection for critical area functions is not well documented. However, recent studies indicate that if the buffer zones are appropriately managed, their effectiveness is improved. Discussion ensued about thresholds as they relate to degradation, Best Management Practices (BMPs), cumulative impacts, analyzing functions of degraded areas, whether those that have preserved property are penalized for doing so, and what types of restoration activities are required under the SMP.

8:42 PM In response to the built environment issue, Mr. Sonnen said the County has some discretion in designating fish and wildlife conservation areas and associated buffers. He referred to a map and cited a RCW reference that requires protecting endangered or threatened habitat species. The Washington Department of Fish and Wildlife (WDFW) did not have confidence in the information provided on the map. WDFW conducted an eco-regional wildlife assessment and identified areas that contain prime habitat. The agency indicated it could create more refined mapping. Commissioners expressed interest in inviting a WDFW representative to a future meeting to review relevant information.

Commissioners discussed issue #25 on page 24 and staff’s response. Chair Roper suggested the County should take a conservative approach until more data is available.

Mr. Sonnen reviewed issue #26 on page 24, the research request, and staff’s response. Ms. Donoghue said one issue is to identify what functions should be protected. Commissioner Lyman noted another issue concerns the County’s monitoring capacity to verify implementation if it adopts regulations like vegetative buffer strips. Ms. Donoghue said the County requires an engineered BMP rather than vegetated buffer strips. Discussion followed about the goal to prevent a problem in the first place, the opportunity to consider BMPs for existing development, the County’s ability to recover monitoring costs under various scenarios, and comments articulated by Sandy Mackie. Mr. Sonnen indicated he would follow up with legal counsel about the monitoring issue. Staff could identify areas of the built environment where BMPs are appropriate and analyze the issue further.
The Commission reviewed the matrix and discussed issue #27 (“Areas characterized by more development activity require greater protection”) and the response on page 25. Commissioner Kohlenberg commented that a watershed analysis will not result in more detailed mapping of certain characteristics. In reply to a question from Commissioner Ottavelli about answers related to issue #27, Mr. Sonnen said that a more complete response is provided on page 54. He reviewed and further elaborated on the response provided in the matrix. Discussion ensued that one of the comments is suggesting pulling critical areas when looking at buildable areas. Science indicates that it takes 100 feet of width to protect water quality (general terrain), which might not be sufficient in urban areas. A wider buffer is necessary to protect functions that support anadromous fish. Mr. Sonnen conveyed staff will follow up with additional information.

The Commission reviewed issue #28 (“Require native vegetation to protect instead of increasing buffer widths”) on page 26, the research request, and staff’s response. Dialogue followed that the citizen suggestion is very general regarding whether degraded buffers could be reduced in exchange for restoration, monitoring, and thoughts about an appropriate approach. Commissioners responded that property owners are reluctant to give the County permission to monitor. The County lacks staff and resources to effectively monitor restoration. Mr. Sonnen said staff could revisit the option about whether it’s viable to make some changes in exchange for restoration within the growth areas.

7. **9:26 PM** CALENDAR (TENTATIVE) AND ATTENDANCE
   - March 21, 2007 – W: Critical Areas

8. **9:27 PM** STAFF UPDATES
   The Commission agreed to host an event to say goodbye to Nancy Pritchett.

9. **9:28 PM** ADJOURNMENT
   There being no further business, Chair Roper adjourned the meeting at 9:28 p.m.

____________________________________

Joyce Roper, Chair

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services