1. **7:03 PM CALL TO ORDER**  
Chair Roper called the April 4, 2007 regular meeting of the Thurston County Planning Commission to order at 7:03 p.m. Commissioners present provided self-introductions.

**Attendance:** Chair Joyce Roper, Commissioners Tom Cole, Liz Kohlenberg, Liz Lyman, Scott Nelson, and Craig Ottavelli  
**Excused:** Commissioners Chris Lane and Rhenda Strub  
**Staff:** John Sonnen and Recording Secretary Jessica Tate

2. **7:04 PM APPROVAL OF AGENDA**  
**MOTION:** Commissioner Kohlenberg moved to approve the agenda. Commissioner Lyman seconded.

**DISCUSSION:** Commissioner Lyman requested scheduling staff updates as the next item on the agenda and include a land use policies appellate court update.

**Motion carried as amended.**

3. **7:06 PM STAFF UPDATES**  
Mr. Sonnen provided a brief and limited update on the land-use policies appellate court case.

4. **7:14 PM PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)**  
There were no public communications.

5. **7:20 PM APPROVAL OF MINUTES**  
**MOTION:** Commissioner Lyman moved to approve the March 21, 2007 minutes and accept the audio as the official recording. Commissioner Nelson seconded.

**DISCUSSION:** The following changes were requested to the March 21, 2007 minutes:
- Within the first line of the third full paragraph on page 2, strike “and #2.”
- Within the second line of the third full paragraph on page 2, replace “critical areas” with “private property.”
- Within the first line of the fifth paragraph on page 3, replace “error” with “err.”
- Within the first line of the sixth paragraph on page 3, add a comma after “structures” and strike the first “and” and strike “issues.”
Within the third line of the fifth full paragraph on page 4, strike “current and proposed expansion requirements for nonconforming structures” and add “potential modification following completion of work for the Shoreline Master Plan.”

Strike the fifth line of the fifth full paragraph on page 4, “The Commission plans to revisit the matter in the future.”

Within the last line of the third paragraph on page 5, replace “farm plan” with “Farmland Preservation Plan.”

Within the last line of the sixth paragraph on page 5, insert a period after “meeting” and strike “that talks about cell towers.”

Commissioner Lyman referred to item 5. CALENDAR (Tentative) AND ATTENDANCE and clarified Commissioner Cole will be late for the April 4, 2007 meeting and will not attend the May 2, 2007 meeting.

Motion carried as amended.

6. 7:23 PM W: CRITICAL AREAS
(Staff: John Sonnen)

ITEM: Staff reviewed public comments regarding the draft critical area regulations and provided language from discussions between staff and legal counsel.

HANDOUTS:
2. A one-page document that begins with, “request a Critical Area Determination” and identified on the bottom as page 4-2.

DISCUSSION: Mr. Sonnen referred to section 17.15.310 A. Compliance and explained the revision was made in attempt to clear public confusion regarding the use of the word “alteration.”

Commissioner Cole arrived.

Commissioner Kohlenberg suggested striking the entire section because it makes an obvious statement regarding compliance.

Commissioners Lyman and Ottavelli favored the original language.

7:33 PM Chair Roper suggested having legal counsel craft a general statement regarding compliance if the language does not already exist making violations of any County ordinance illegal. The Commission agreed with the suggestion.

17.15.310 B. Avoid Impacts:

Commissioner Lyman noted the addition of commas within the first line after the word “located” and “areas.”
Commissioner Ottavelli referred to the first line and added the word “to” after the word “possible.”

Commissioner Lyman referred to the second line and requested adding “and values” following “functions.” Mr. Sonnen acknowledged the request and indicated he will make the correction throughout the ordinance.

7:41 PM The Commission agreed to include a definition for the term “values” within the definitions section of the ordinance.

17.15.310 C. No Net Loss of Critical Area Functions:

Commissioner Lyman noted “and values” should be added following “functions in the first line.”

Chair Roper requested striking “at the discretion of the applicant” in the first line and adding “if the applicant chooses.”

17.15.310 D. Monitoring:

Commissioners discussed how to determine appropriate monitoring “intervals.”

Chair Roper suggested inserting a period following “intervals,” striking “as necessary to ensure that they are,” and adding, “The monitoring shall end as soon as the permitted uses and mitigation projects are” before “functioning” in the first line. The second line shall read as, “The monitoring shall end as soon as the permitted uses and mitigation projects are functioning consistent with the project approval and applicable provisions of this chapter.”

17.15.310 E. Access:

8:00 PM The Commission agreed to strike section 17.15.310 E. Access 1. General access, as it poses confusion and the issue is covered elsewhere.

Chair Roper indicated she will contact legal counsel about section 17.15.310 E. Access 2. Access to enable administration of this chapter regarding instances involving County enforcement rights with new purchasers of previously owned property.

17.15.310 G. Property assessment relief:

Mr. Sonnen asked the Commission if the word “consider” within the first line should be changed to strengthen the section.

8:07 PM The Commission did not believe a revision was necessary.
17.15.310 H. Setbacks:

Discussion ensued about appropriate setback distance to avoid buffer impacts during construction.

8:22 PM Mr. Sonnen suggested adding an opening line to the section, “Construction activity will occur outside the critical area buffer.” The Commission agreed.

Chair Roper requested revisiting the section addressing penalty for buffer impacts. Mr. Sonnen acknowledged the request.

17.15.320 B. Conservation Easements:

Chair Roper suggested incorporating the third option of “at the discretion of the applicant” in the second line.

Chair Roper expressed concern regarding responsibility for maintenance of the land with no ownership. The Commission agreed the option of no ownership is the least preferable option among the three options.

17.15.330 C. Surety Amount and Conditions:

8:28 PM Mr. Sonnen explained obliged surety involves the subject component; not the entire project. He suggested adding, “to implement the approved mitigation/restoration plan” in the first line after “cost” in place of, “to perform and maintain the project subject to the surety and of duration consistent with any county approved mitigation plan.” The Commission agreed with the recommendation.

17.15.340 C. Interpretations:

The idea is to clarify that mapping documents may not always be exact. The applicant must utilize an expert at their own expense when appealing delineation.

8:38 PM Mr. Sonnen reported “boundary” will be changed to “critical area or its buffer” throughout the document.

17.15.100 General Purposes

Mr. Sonnen reported Puget Sound Energy (PSE) requested the addition of the following language from the State Model Ordinance, “This Title is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this Title to make a parcel of property unusable by denying its owner reasonable economic use of the property or to prevent the provision of public facilities and services necessary to support existing development and planned for by the community without decreasing current
service levels below minimum standards (L46).”

8:41 PM The Commission agreed not to accept PSE’s proposed language.

17.15.100 General Purposes B:

Mr. Sonnen reported legal counsel found the term, “healthy, functioning ecosystems” to be vague and in need of clarification.

Commissioner Kohlenberg noted the section also does not address species of local significance.

8:46 PM The Commission agreed to revise the term, “healthy, functioning ecosystems” to “wetlands, fish and wildlife conservation areas, and species and habitats of local significance.”

17.15.100 General Purposes G:

8:51 PM Mr. Sonnen reported legal counsel suggested inserting “and implement” following “establish.” There were no objections from the Commission.

Mr. Sonnen distributed Handout 2.

17.15.410 B. 3. Staff Findings:

Discussion followed regarding potential access issues about the requirement to consider an area greater than the project parcel.

9:00 PM Chair Roper suggested adding, “to the extent possible consistent with access issues, maps and other available resources” after “determine” in the first line of existing draft CAO language and that the section continue on without striking the sentences identified by staff for removal.

9:25 PM The Commission agreed to begin review of section 17.15.415 Reasonable Use Exception at the next meeting due to time constraints.

7. 9:26 PM CALENDAR (Tentative) AND ATTENDANCE

- April 18, 2007: B: Open space; W: Critical Areas – Overarching Issues – Reclaimed Water (Commissioner Kohlenberg unable to attend)
- May 2, 2007: Critical Areas (Commissioner Cole unable to attend)
- May 16, 2007: H: Tentative open space; Critical Areas (Chair Roper unable to attend)

Mr. Sonnen referred to Commissioner Strub’s request via e-mail for an update about Woodard Creek based on information reported in a newspaper article. The update will be
scheduled at the earliest available date following April 23, 2007.

Mr. Sonnen reported the Commission will receive a detailed presentation regarding reclaimed water during the April 18, 2007 meeting.

8. **9:30 PM  ADJOURNMENT**
There being no further business, Chair Roper adjourned the meeting at 9:30 p.m.

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Joyce Roper, Chair

Prepared by Jessica Tate, Recording Secretary
Puget Sound Meeting Services