1. **6:50 PM CALL TO ORDER**
Chair Lane called the October 15, 2008 regular meeting of the Thurston County Planning Commission to order at 6:50 p.m. Commissioners provided self-introductions.

**Attendance:** Chair Chris Lane, Commissioners, Joyce Roper, Kathleen O’Connor, and Scott Nelson.
**Excused:** Commissioners Tom Cole, Liz Myers and Liz Kohlenberg.
**Staff:** Scott Clark, Olivia Terwilleger, Jeremy Davis, Cynthia Wilson, Sue Davis and Recording Secretary Cami Petersen.

**6:50 PM APPROVAL OF AGENDA**
**MOTION:** Commissioner O’Connor moved to approve the agenda. Commissioner Roper seconded. Motion carried.

2. **6:51 PM PUBLIC COMMUNICATIONS** (Not associated with topics for which public hearings have been held.)

*Jerry Unmuth 1620 Legion Way SE, Olympia*
Mr. Unmuth addressed the Planning Commission (Commission) stating that he was in attendance of tonight’s meeting to listen to Ms. Davis’ presentation concerning Henderson Inlet. Mr. Unmuth stated that he has a great interest in Henderson Inlet and has researched the issue of pollutants and water quality in this area, as well as attended several meetings and public hearings over the last several years. Mr. Unmuth stated that in his opinion the situation with this area has gotten worse. Mr. Unmuth also stated that he has an interest in the current site specific Comp Plan Amendment C-1, Lacey UGA, which is before the Commission for a work session on tonight’s agenda.

3. **6:32 PM APPROVAL OF MINUTES**
**MOTION:** Commissioner O’Connor moved to approve the October 1, 2008 minutes and accept the audio as the official recording. Commissioner Roper seconded.

The following changes were requested to the October 1, 2008 minutes:
- Within the second line of the second bullet of item 3 on page 1, replace the word “ration” with “ratio.”
- Within the third line of item 4 on page 1, add an apostrophe to “evenings.”
- Within the sixth line of Mr. Collins public testimony of item 5 on page 2, add an apostrophe after “Collins.”
- Within the sixth line of the fifth bullet of item 8 on page 5, add a space between the word “a” and “representative.”
• Within the second bullet of item 9 on page 6, replace the words “Critical Areas” with “Open Space.”

**Motion carried as amended.**

4. **6:37 P.M. WOODLAND CREEK POLLUTANT LOAD REDUCTION PROJECT PRESENTATION**  
   *(Staff: Sue Davis)*

Ms. Davis provided the Commission with a PowerPoint presentation titled “Woodland Creek Pollutant Load Reduction Project.” Ms. Davis explained that this information is relevant to the work session before the Commission this evening concerning Comp Plan Amendment C-1, Lacey UGA, which is a site specific amendment located in the Woodland Creek area.

Ms. Davis explained that the water quality standards in this area have been down-graded by the State of Washington. Because of the poor water quality, shellfish harvesting in Woodland Bay has been closed until improvements in this area are made.

Ms. Davis explained that when water quality standards are not met, the local jurisdictions are required to create a Shellfish Protection District and work to improve current levels. The County, in conjunction with the City of Lacey, hired a consulting firm to conduct this study, in an effort to provide alternatives for reducing the level of pollution to the groundwater and drainage. The study focused on nitrate contamination of groundwater and bacteria contamination in the Woodland Creek basin. Ms. Davis provided the Commission with the results of this study and answered questions of the Commission.

Mr. Clark explained how the process of this project will move forward in the future. A handout was provided to the Commission titled “Woodland Creek Sewer Project, Partnering to Protect Puget Sound, draft July 21, 2008.”

5. **7:30 P.M. (W) DEVELOPMENT CODE**  
   *(Staff: Jeremy Davis, Cynthia Wilson and Olivia Terwilleger)*

Mr. Davis provided the Commission with a brief overview of the proposed Development Code items before the Commission for approval. The Commission took the following action:

- **A-1** Amend the definition of “Accessory Structure” in all four zoning codes to allow accessory structures to be built on a nearby vacant parcel rather than placed on the same parcel as the primary structure.

  **Commissioner O’Connor moved to recommend to the Board of County Commissioners approval of proposed amendment A-1 as consistent with the Comprehensive Plan, the Growth Management Act and the Development Code Regulations.** Commissioner Roper seconded. **Motion carried.**
• A-2 Amend code to permit public facilities in R 1/10 with a Special Use Permit.

  Commissioner O’Connor moved to recommend to the Board of County Commissioners approval of proposed amendment A-2 as consistent with the Comprehensive Plan, the Growth Management Act and the Development Code Regulations. Commissioner Roper seconded. Motion carried.

• A-4 Amend Platting and Subdivision Ordinance to place limits on the ability to bond for public infrastructure, landscaping and other requirements of preliminary approval prior to recording a final plat.

  Commissioner O’Connor moved to recommend to the Board of County Commissioners approval of proposed amendment A-4 as consistent with the Comprehensive Plan, the Growth Management Act and the Development Code Regulations. Commissioner Roper seconded. Motion carried.

• A-7 Amend to add requirements for administrative site plan review of nonresidential projects. This would require creation of a new site plan review chapter in Title 22.

  Commissioner O’Connor moved to recommend to the Board of County Commissioners approval of proposed amendment A-7 as consistent with the Comprehensive Plan, the Growth Management Act and the Development Code Regulations. Commissioner Roper seconded. Motion carried.

• A-8 Add flexibility for subdividing within the Tumwater UGA where sewers do not exist. Currently, lots five acres and less cannot be divided without sewer even though septic systems could be approved.

  Commissioner O’Connor moved to recommend to the Board of County Commissioners denial of proposed amendment A-8 as not consistent with the Comprehensive Plan, the Growth Management Act and the Development Code Regulations. Commissioner Roper seconded. Motion carried.

• A-5 Amend all four zoning codes to limit the size of a guest house. By definition a guest house is accessory to the primary residence. Without size limits, a guest house is more likely to become permanently occupied, thus illegally increasing residential density.

  Staff provided the Commission with the following information concerning size limitation and its affects on neighborhood character and public health as was requested at a previous meeting:

  a) Ms. Terwilliger has searched Municipal Research and Services Center of Washington website for size limitation examples from other jurisdictions. Ms.
Terwilleger was unable to find specific information concerning guest houses but did find information concerning accessory dwelling units (ADU’s). Ms. Terwilleger found that most ADU size limitations are imposed so the unit will remain subordinate as well as to control neighborhood densities and visual impacts. A provision was also found that applicants must provide adequate utilities to these units. No size restrictions were found on ADU’s in rural counties.

b) Mr. Clark stated that the County Health Department has no code limiting the size of a guest house. The Health Department would review the septic system capacity and would consider a guest house an extra bedroom on the septic system. After discussing this with staff, Mr. Clark stated that it was agreed that limiting the size of a structure is the only way to limit what could be placed in the structure.

A discussion ensued concerning property owners converting these units into residences and the suggested size limitations for guest houses in this Development Code amendment. Mr. Clark will consult with Washington State Department of Community, Trade and Economic Development (CTED) concerning the issue of size limitation for a guest house. Mr. Clark does not see any state law that would limit the size.

Because only four Commissioners were present currently, and a split vote was reached, the Commission agreed that a vote would need to be taken with at least five Commissioners in attendance. A majority and minority report could then be forwarded if necessary. Some of the Commissioners agreed that a vote was taken on this issue at the September 17, 2008 meeting. Staff will check with the legal staff to see if a vote taken prior to the public hearing was valid.

No action was taken by the Commission.

- A-18 Wetland tree cutting is allowed for the personal use of the property owner and not for sale or resale; provided that the removal does not adversely affect the functioning of the wetland.

Ms. Wilson provided a Memorandum to the Commission in response to the request of additional information concerning the cutting of trees in a wetland buffer. The Commission reviewed the information and asked questions of Ms. Wilson. A discussion followed.

Commissioner O’Connor moved to recommend to the Board of County Commissioners denial of proposed amendment A-18 as not consistent with the Comprehensive Plan, the Growth Management Act and the Development Code Regulations. Commissioner Roper seconded. Motion carried.
6. **8:20 PM (W) OPEN SPACE APPLICATIONS**  
*(Staff: Olivia Terwilleger)*

Ms. Terwilleger provided the Commission with an overview of five Open Space-Open Space Tax Program applications before the Commission for review. Ms. Terwilleger made the following corrections to the October 15, 2008 Memorandum provided to the Commission:

a) Total Acres: 110.63, Total Tax Shift $12,291

Staff and the Commission discussed the following Open Space-Open Space applications:

- **Project # 2007105109, Delphinia, LLC**  
  Ms. Terwilleger provided an overview of the application. The Commission asked questions and a discussion ensued. The Commission asked Ms. Terwilleger to clarify the reference to “Evergreen Land Trust” on page 3 of the Forest Stewardship Plan. The Open Space Classification Application only references “Capital Land Trust” as holding an easement on the property. Ms. Terwilleger will clarify and bring this back to the Commission for a vote at the next meeting. Ms. Terwilleger recommended approval of the application.

  The Commission agreed that a vote for approval on the merits of the application will be forthcoming after clarification concerning the land trust is made.

- **Project # 2007103062, Paul and Betty Rossmaier**  
  Ms. Terwilleger provided an overview of the application. The following corrections to the Staff Report and Memorandum were made:

    On page 2 of the Memorandum, Case #2007103062, Rossmaier
    a) The correct acreage is 12.82
    b) Under “Site Characteristics and Context” delete the second bullet
    c) Under “Estimated Tax Shift” the amount is $1431

    On page 1 of the Staff Report:
    a) The correct acreage is 12.82

  The Commission asked questions and a discussion ensued. Ms. Terwilleger recommended approval of the application.

- **Project # 2007105096, Gregory and Kathleen May**  
  Ms. Terwilleger provided an overview of the application. The Commission asked questions and a discussion ensued. The Commission asked Ms. Terwilleger to identify if there are priority wildlife species on this property, and if so, what species are being managed. Ms. Terwilleger will provide the Commission with a complete version of the Management Plan that was submitted with this application.

  A concern was raised that the Applicant is proposing to continue hay production in an area that appears to be a Category III wetland and associated buffer. Ms. Wilson explained that this use would qualify as existing and ongoing and mowing in this area is allowed.
The Commission discussed the Applicant’s agreement to allow public access to the property. Mr. Clark stated that the Commission could request the Applicant to provide testimony at the public hearing for this application and the Commission could ask questions of the Applicant at that time.

- **Case # 2008101675, Rob and Alice Wellons**

  Ms. Terwilleger provided an overview of the application. The Commission asked questions and a discussion ensued. Further information was given to the Commission concerning the point rating system used for the applications.

- **Case # 2007104022, Wright**

  Ms. Terwilleger provided an overview of the application. A discussion ensued. A question was asked about monitoring of the farm plan and Mr. Clark explained that the Conservation District will monitor the farm plan. A question was raised about a parcel that appears to be land-locked within the parcel in question. Staff will check the map and report back to the Commission.

Ms. Terwilleger will provide the Commission with a follow-up report containing the answers to the questions raised on the applications via email. The Commissioners were asked to send any questions they have directly to Ms. Terwilleger, who will answer those questions by responding, via email, to all Commissioners.

Staff will ask Gregory and Kathleen May to attend the public hearing on the Open Space-Open Space applications to provide testimony and answer questions of the Commission.

7. **8:46 PM COMP PLAN SITE SPECIFIC**  
(Staff: Jeremy Davis)

Mr. Davis provided the Commission with an outline of the Comp Plan Site Specific Amendments before them this evening for review:

- **C1: Lacey UGA, Carnal Custom Homes**

  Mr. Davis explained that this parcel is located in the Henderson watershed area, the area in which Sue Davis provided a presentation to the Commission this evening. Mr. Davis provided the Commission with an outline of the Comp Plan amendment. Mr. Davis explained that comments have not yet been received from the Lacey Planning Commission on this proposal.

  A discussion ensued concerning the increased density proposed and the affects on the drainage and runoff in this area. The Commission discussed the concern of adding additional septic systems even though sewer is proposed in this area in the future. It is unknown when sewer will actually be able to be extended and the Commission discussed whether or not this zoning change should be made before it is known when sewer will be available. A discussion ensued concerning septic systems requirements.
The Commission agreed that a higher density proposal will not work in this area. The Commission requested additional information concerning regulations and mitigation using a lower downzone in order to protect the water quality of Woodland Creek before the Commission makes a recommendation. Also, the Commission requested a legal opinion concerning what authority they have to place conditions on the rezone of an area.

Mr. Davis will address the following concerns raised by the Commission and will provide the information requested at the public hearing:

a) The type of septic systems required in the area of Henderson Inlet
b) Can conditional zoning placed or other mechanisms to ensure the correct type of septic systems are placed on these parcels, and can the requirement be recorded with the property
c) The City of Lacey’s timeframe for a conversion plan to extend sewer to this area

A3: 93rd Avenue Area, Thurston County

Mr. Davis provided the Commission with an outline of the proposal before them. Mr. Davis stated that staff recommends approval of the proposal and provided the commission with the following three options:

Option 1 Leave the current land use designation and zoning of Single Family Medium Density Residential 6-9 Units per acre in place;

Option 2 Change the current land use designation and zoning to Rural One Dwelling Unit per Ten Acres

Option 3 Change the current land use designation and zoning as follows:
- For the area from Hart Road SE to Springer Lake Lane SE, change the designation to Rural One Dwelling Unit per Ten Acres for the affected properties
- For the area from Springer Lake Lane SE to Old Highway 99 SE, change the designation to Rural Residential and Resource One Dwelling Unit per Five Acres

The Commission did not have questions concerning the proposal.

B2: MC Construction

Mr. Davis provided the Commission with an outline of the proposal before them. Mr. Davis stated that staff recommends denial of this application until at such time the Deschutes River Total Maximum Daily Load study is completed, and the impacts to Butler Cove and Creek can be assessed for stormwater runoff. The Commission requested that Mr. Davis provide the name of the subdivision located to the south of this proposal.
A discussion ensued concerning the drainage patterns of this area and concerns that were raised by neighboring property owners. Mr. Davis was asked to provide additional information concerning the changes in the topographical conditions in this area.

The area of this proposal is currently under a development moratorium. Mr. Clark explained that the Board of Commissioners has asked that the moratorium areas be addressed and resolved. The Olympia City Council will be forwarding comments on the rezone of this area.

8. **9:28 PM STAFF UPDATES**

Mr. Clark provided the Commission with a flyer for the Northwest EcoBuilding Guild’s October meeting.

Mr. Clark stated that the Board of Commissioners is only available for an annual dinner meeting on December 2, 2008 and that no other dates are available before the end of the year. The Commissioners were asked to check their calendars and respond as to whether they are available on that date. All Commissioners present are available for that date.

Mr. Clark explained that a Board briefing will be held on October 29, 2008 at 11:00 a.m. concerning the Grand Mound Rezone proposal.

9. **9:20 PM CALENDAR (Tentative) AND ATTENDANCE**

- **November 5, 2008:** Open Space public hearing; Briefing on Grand Mound; Comp Plan Amendment public hearing; Critical Areas Ordinance work session (if time allows) – Commissioner Roper may be late for this meeting; Commissioner Nelson will be unavailable
- **Nov 19, 2008:** Draft 2009 Docket; Critical Areas Ordinance work session- Commissioner O’Connor and Roper may be unable to attend. Staff will check with the Commission prior to that date and may reschedule this meeting if a quorum is not available
- **December 2, 2008:** Annual Dinner Meeting with the Board of Commissioners
- **December 3, 2008** – Critical Areas Ordinance work session
- **December 17, 2008** – Critical Areas Ordinance work session
- **January 27, 2009** – A short course on Local Planning will be given to the Board of Commissioners and the 2009 docket will be introduced at that time

Starting in 2009 the Planning Commission meetings will be held once a month instead of twice a month. A discussion ensued.

9. **9:35 PM ADJOURNMENT**

With there being no further business, Chair Lane adjourned the meeting at 9:35 p.m.

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Chris Lane, Chair

Prepared by Cami Petersen, Recording Secretary