THURSTON COUNTY PLANNING COMMISSION

Minutes February 16, 2011

1. 6:32 P.M. CALL TO ORDER
Chair Lane called the February 16, 2011 meeting of the Thurston County Planning Commission to order at 6:32 p.m. Commissioners provided self-introductions.

2. Attendance: Chair Chris Lane, Commissioners, Christopher Earle, Kathleen O’Connor, & Scott Nelson Christine Spaulding & Jennifer Davis

3. Absent: Bill Jackson, Liz Kohlenberg & Edward Fleisher

4. Staff: Andrew Deffobis, Cynthia Wilson, Jeremy Davis, Tony Kantas, Robert Smith, Thurston County Resource Stewardship Department and Kevin Hughes, Thurston County Public Works Department

2. 6:32 P.M. APPROVAL OF AGENDA

MOTION: Commissioner O’Connor moved to approve the agenda. Commissioner Earle seconded. Motion carried.

3. 6:33 P.M. APPROVAL OF MINUTES

Commissioner O’Connor moved to approve the December 15, 2010 minutes and accept the audio as the official record. Commissioner Earle seconded. Motion carried.

The following changes were made to the December 15, 2010 minutes:

Page 2, line 27 – Change verbiage, the word “implore” should be something different.

Commissioner Nelson arrived

Commissioner O’Connor moved to approve the January 5, 2011 minutes and accept the audio as the official record. Commissioner Nelson seconded. Motion carried.

The official audio is available on line at:
http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.html

4. 6:36 P.M. WORK SESSION: Cottage Housing
Staff: Tony Kantas

Mr. Kantas gave the Commission a brief update on Cottage Housing. Staff has decided to wait to make further changes to the draft ordinance until the Cottage Company has responded with comments on the City of Tumwater’s draft ordinance to provide further
direction. The recommendations should be received and reviewed within the next two
months. A short discussion ensued.

5.  6:46 P.M.  WORK SESSION: Development Code A-7 Farm Stands
    Staff: Robert Smith for Scott Longanecker

Mr. Smith explained that he was here on behalf of Mr. Longanecker who could not make
it to the meeting this evening. A-7 is to amend the development code to allow retail sales
of agricultural products. Within the planning commission packet a revised staff
report was submitted with new language and text that was added after the February 2,
2011 Planning Commission Meeting. A discussion ensued in regards to the changes.

6.  7:05 P.M.  WORK SESSION: Development Code A-10 Home Occupation & Home
    Based Industry Road Standards
    Staff: Robert Smith for Scott Longanecker & Kevin Hughes, Thurston County Public
    Works

Mr. Smith explained that on February 2, 2011 the Planning Commission (PC) met
regarding the Development Code amendment to Thurston County Title 20. Prior to
setting a public hearing date for the proposal the PC had requested some additional
information including specifications for Appendix 6-A roads and a list of land uses
permitted as home businesses in rural Thurston County. The Development Code is to
allow flexibility of road surface standards for home occupations and home based
industries. A revised staff report was submitted to the PC with new language as
requested. A discussion ensued.

Kevin Hughes with the Thurston County Public Works Department talked to the PC
about the 160 vehicular trips per day, which would trigger a paved road. The 160 trip per
day threshold for a paved road comes from existing Thurston County Road Standards and
refers to single trip, rather than round trips. As this requirement comes directly from
other existing County regulations, it is not subject to change. Also, typically a 6-A road,
if it is going to remain private and is an existing 20 foot surface road then the Public
Works Department will review and typically will not make you redo the entire thing. The
main structure that determines this factor is the 20 foot surface which is also a fire code.
A driveway as defined in the roads standards is an access serving only one home. An
access serving two or more homes is defined as a road and has to meet the 20 foot surface
standard.

7.  7:21 P.M.  SET PUBLIC HEARINGS:

The decision was made to delay setting public hearings for A-7, Farm Stands and A-10
Home Occupation & Home Based Industry Road Standards until further changes and
clarification is made and discussed.

8.  7:22 P.M.  WORK SESSION: Critical Areas Ordinance – Non-Conforming Use &
    Existing Lots Discussion Only
    Staff: Andrew Deffobis, Jeremy Davis, Scott Clark & Cynthia Wilson
Mr. Deffobis started the discussion by stating that this evening specifically they will only be discussing the updates to the Non-conforming Use and Existing Lots Chapters only that were dispersed to the PC back in late January. Staff is continuing to work on the draft chapter updates including best available science and the PC should have them soon. The draft chapters should also be available on the web site soon. A power point presentation was then given that went over definitions and explanations of some changes and points within each chapter. A discussion ensued.

The general caveats that were discussed at the beginning of the presentation were; when staff discusses non-conforming use they mean legally existing non-conforming use structure lot. There are differences in the standards between critical areas the biggest being split between frequently flooded areas and everything else. The frequently flooded areas are typically subject to chapter 1438. Detail standards of everything that has been discussed are within the proposed chapter 2450 of the Thurston County Code. This information should be placed on the website within the next couple of days. Further questions were then asked of staff.

9. 8:18 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)

Glen Morgan – 1001 Cooper Point Road SW, Suite #140-222 Olympia, WA 98502

Mr. Morgan reviewed what he had brought up to the Planning Commission at the December 12, 2010 meeting in regards to the CAO, tax shift and buffers. One of those issues was the tax shift implications on property owners related mainly to buffers not so much the critical area itself and the new prairie ordinance. Mr. Morgan stated that the liability to the county is only increasing substantially by expanding the riparian buffers. This is largely an issue of how the Assessor is looking at these properties. When Mr. Morgan spoke to Scott Clark (Planning Director) he said that there has not been a fiscal study done nor has one been done since 2006. He posed the question if the Planning Commission would be involved in making recommendations in regards to these issues or if it has to start with a recommendation from staff. This is a big concern primarily because the actual tax value with the assessment caused by these continuous expansion of critical areas is starting to been seen in some of the rural properties both in the sale and in the comp structure. The big impacts are going to be in the small taxing districts and the inevitable tax shift that is going to occur to the urban areas by the devaluing of that property during the tax shift.

The other issue is the cost of the habitat management plans, required of the Critical Areas Ordinance. Mr. Morgan states that he has heard reports from staff to both the Planning Commission and the Commissioners about what those costs are to the residents. It is possible that staff is being led by the consultants that are out there actually conducting these habitat management plans because all of the plans that I have seen are extremely expensive even in very minor issues.

Some town hall meetings are being scheduled starting in March to discuss the Critical Areas Ordinance and how it is affecting property owners. Mr. Morgan encouraged both staff and planning commissioners to attend.
Mr. Morgan asked one question of the planning commission. “Does the Planning Commission have the ability to say that we should do a fiscal study, or is that something that comes from the Commissioners?” Scott Nelson and Chris Lane responded with yes, it would have to be either the Commissioners or the Assessor.

Scott Roberts – Property Rights Director of the Evergreen Freedom Foundation – P.O. Box 552 Olympia, WA 98507

On October 20, 2010 Scott Clark made testimony in front of this body that there really wasn’t much science at all on the pocket gopher. A special meeting was then had with State and Federal Department of Fish and Wildlife were they buried their souls to them in a private meeting and they told him well we really don’t have any science on this, in fact it is so thin that we cannot call it best available science we have to call it best professional practices. So basically the best guess is that we write a whole bunch of ordinances that impacts 117,000 acres in Thurston County and 57,000 property owners. Anytime you want to sneeze or build something on your property you have to go create a habitat management plan. Then he claimed that they were only a couple hundred dollars maybe ranging up to a few hundred dollars but may be a little bit more on bigger projects, but they are very expensive. If you want to do an ADU of 800 square feet you have to hire Key McMurry to come out for $2,700.00 and she will tell you that you can’t use three of your five acres and you get to pay for that privilege. Plus you have to keep paying the taxes on the property that you cannot use. I have seen four, one for $2,600.00, one for $2,700.00 one for $25,000.00 and a relocation plan for $80,000.00. That is not cheap, it is not inexpensive and it is huge impacts on property owners and 57,000 property owners are currently impacted by the prairie ordinance. It is being enabled by this body, this body needs to say look there is not enough science. Fish and Wildlife can only do basically a poaching of people that kill those animals and they can come and arrest you which they haven’t in Thurston County, but they cannot be enabling actions through the growth management act through local governments. That is basically going to be this body, this body needs to say there is not enough science, and we can’t throw out these blanket ordinances that have these huge impacts across the county.

The growth management acts says that you have to review and revise as necessary. It seems as if staff has kind of gone in the back room and just started gemming up writing a new critical areas ordinance without showing any kind of necessity that they need to be revised. You need to consider best available science, you need to consider new things that doesn’t need you need to start rewriting the ordinance. Thurston County has had a critical areas ordinance in place since 1995, you have lots of history with the one in place, what were the goals of the critical areas ordinance to begin with and how are we specifically not meeting those goals. Then what specific parts of the ordinance do we need to rewrite with necessity to actually meet those goals. What are our goals for the critical areas ordinance, what is the existing ordinance and why aren’t they meeting them and how does the new ordinance enable us to meet those?

10. 8:37 P.M. STAFF UPDATES

Mr. Davis provided the following staff updates:
• The County recently passed a Bio Mass Moratorium at the end of December. The BOCC instructed staff to form a technical advisory group on the Bio Mass Moratorium.
• Ed Fleisher needs to be reappointed by the BOCC.

11. **8:38 P.M. CALENDAR**

March 2, 2011 – Kathleen O’Connor will not be in attendance

12. **8:39 PM ADJOURN**

With there being no further business, Chair Lane adjourned the meeting at 8:39 p.m.

[Signature]

Chris Lane, Chair

Prepared by Carrie Toebbe, Recording Secretary