1. **6:30 P.M. CALL TO ORDER**
Chair Lane called the September 21, 2011 meeting of the Thurston County Planning Commission to order at 6:30 p.m. Commissioners provided self-introductions.

**Attendance:** Chair Chris Lane, Commissioners Kathleen O’Connor, Bill Jackson, Liz Kohlenschger, Scott Nelson, Christine Spaulding & Christopher Earle

**Absent:** Edward Fleisher

**Staff:** Andrew Defobis, Cindy Wilson, Scott Clark, Jeremy Davis, Mark Swartout, Scott Longanecker, Tony Kantas & Mike Kain, Resource Stewardship Department

**Guests:** Theresa Nation with the Department of Fish & Wildlife

2. **6:31 P.M. APPROVAL OF AGENDA**

**MOTION:** Commissioner O’Connor moved to approve the agenda. Commissioner Nelson seconded. Motion carried as amended.

Theresa Nation with the Department of Fish and Wildlife was added as a guest speaker to speak during the CAO work session. Number 7 on the agenda to set a public hearing for development code A-9 was also struck.

3. **6:31 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)**

1. **Doug Karman – 4108 Kyro Road SE Lacey, WA 98503 – Spoke in regard to CAO and “the 13 goals of the commission.” Written comment was also given to the Planning Commission.**

The official audio is available online at:

http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.html

4. **6:36 P.M. STAFF UPDATES**

Mr. Clark provided the following staff updates:

- The goal of the Planning Department is to have the entire packet done of the CAO by October 5th and then asking the planning commission at the end of that meeting if they are ok with setting a public hearing about six weeks out from that. The best available science bibliography is being worked on by one specific employee. The bibliography will reference all of the best available science documents in one area.
• Olivia Story is working on the mineral lands and the designation criteria.

5. 6:38 P.M. CALENDAR

September 28, 2011 – Commissioner Kohlenberg will not be in attendance.
October 5, 2011 – Commissioner Kohlenberg will not be in attendance.

6. 6:41 P.M. WORK SESSION: Critical Areas Ordinance – 2nd Draft Review & Distribution of New Materials
   Staff: Scott Clark, Andrew Deffobis, Cindy Wilson & Jeremy Davis

Mr. Deffobis gave the Commission a memorandum in regards to the critical areas ordinance update – critical aquifer recharge areas, prairies and water quality BAS/Data. A supplemental collection of best available science and other data related to critical aquifer recharge areas (CARA’s) ads to the collection of science delivered to the planning commission on September 14, 2011. Documents discussing specific land uses and their impacts on groundwater quality have already been provided. Also contained in the supplemental collection is water quality data specific to Thurston County, as well as best available science and other data related to prairie habitat and species. Any additional scientific information will be distributed to the planning commission as it is compiled.

A short recess was taken until 7:00 p.m. and the beginning of the public hearing.

Chair Lane called the meeting back to order at 7:00 p.m.

7. 7:00 P.M. PUBLIC HEARING: Capital Facilities Plan
   Staff: Mark Swartout

Mr. Swartout gave a brief overview of the Capital Facilities Plan proposal for 2012-2017 amending Chapter 6 of the Comprehensive Plan.

Chair Lane opened the public hearing at 7:01 p.m.

No public comment was given.

Chair Lane closed the public hearing at 7:01 p.m.


8. 6:41 P.M. WORK SESSION: Critical Areas Ordinance – 2nd Draft Review & Distribution of New Materials
   Staff: Scott Clark, Andrew Deffobis, Cindy Wilson & Jeremy Davis

Detailed section starting at 00:03:29 (audio folder #2)

Theresa Nation: Well, I’m Theresa Nation, I’m an environmental planner with the Department of Fish and Wildlife and I’m going to talk a little bit about riparian habitat. Riparian habitat is defined by WDFW as habitats in the area adjacent to aquatic systems with
flowing water. They contain elements of both aquatic and terrestrial ecosystems which mutually influence each other. So in other words the riparian areas interface where the water influences the land, and the land influences the water. The floodplain is considered part of the riparian area because of the mutual land/water influence which is quite significant during "inaudible" and severely altered areas are also included in the definition because "inaudible" the water. So once a riparian area, always a riparian area for what it’s worth. So then I have a picture of the Black River here, and have got a pretty good shot of some riparian vegetation and notice in the pictures there is lots of diversity in the vegetation we’ve got grasses, in the background you can see some shrubs, we’ve got mature trees, we’ve got “inaudible” on the left there. There is a piece of large woody debris in the “inaudible” and that would have originated from a tree in the riparian area. We’ve got overhanging vegetation over the water which provides shade “inaudible” for organic matter and insects for the aquatic system and also helps just to provide habitat variety. The river in this photo is also influencing the riparian area and you can see that partly in the multilayer vegetation we’ve got some grassy areas right next to the water and those areas are probably flooded quite frequently if not every year. Some of the more medium sized shrubs probably still get flooded occasionally but not nearly as often so are able to become more established and then further away from the water you’ve got the bigger trees. So this is just a little diagram of the cross section of the riparian area and kind of gives a little more idea of that mutual influence between water and vegetation and there is much more influence, the water has a bigger influence on the vegetation that’s right near it. You can see the annual high water mark here would indicate that some of that vegetation does get flooded quite a bit. As you move away though, the water has less of an actual physical impact on the vegetation also know vegetation influences the water from those items listed up above there and helps provide base stability, shading and sources of organic matter and then of course the actual riparian has its own habitat functions as well. So this is the talk mainly about fresh water riparian, but I just wanted to mention that marine riparian areas actually have a lot of the same features and functions as fresh water. The multiple sort of vegetation you can see the large debris there, “inaudible” over hanging vegetation and this picture was just taken over at McNeil Island it’s pretty classic South Sound beach. So I’m going to just touch on some of the basics of riparian ecological functions. This diagram here shows the food chain with some great interactions with the riparian and the aquatic areas. If you look on the left you’ve got insects falling into the water, they become fish food. That’s actually quite a significant source of food for fish is these terrestrial insects that end up falling in the water. On the right side you will see there is organic matter going into the water from the riparian area leaves, twigs that sort of thing. That becomes an important nutrition source for the aquatic insects which then in return become food for the fish. Those that don’t get eaten, the aquatic insects, the stream invertebrates often times, portions of the life cycle include emerging from the water out into the air where they get eaten by riparian resident bats, birds, salamanders etc. stoneflies, “inaudible” that sort of thing are probably some of the better noted species. So, riparian functions affecting aquatic habitats, shade from riparian vegetation is really important in the smaller stream systems, the shade helps keep the water low, water temperature low. Which in turn increases the carrying capacity of the dissolved oxygen and of course adequate dissolved oxygen in the water is crucial for sustaining aquatic life. Shade also gives aquatic species some relief from solar radiation and overhanging vegetation offers cover from predators. And this photo here is Buck Creek it is in Klickitat County near Lake Sound and you can see it is a great example of a small creek that is really giving some great benefits from mature riparian vegetation and the ample shade it’s providing. Large woody debris provides cover for fish and structural diversity in the channel; it also releases organic matter into the aquatic system as it decomposes. That structural diversity is achieved when the large
woody debris is interacting with the water flow. This interaction creates pools and resting places, it decreases water velocity during flood events. It increases stream stabilization as well as water aeration it also helps retain fish spawning gravel. Wind throw naturally contributes about 70% terrestrial downed woody debris and coniferous species greater than about 20 inches in diameter are or make the most important pieces of large woody debris they tend to decay a little slower, they are large in addition to their structural strength. So this picture is Perry Creek it drains down into Mud Bay and even though it is a small river system it’s got plenty of large woody debris thanks to mature riparian area around it. So I’m going to talk about water quality here in a moment but suffice to say with the obvious which is that aquatic organisms benefit from “inaudible” water “inaudible”. Terrestrial habitat: riparian areas provide terrestrial habitat that offers a lot of unique features that aren’t necessarily present in the uplands. Mature riparian areas contain trees, standing snags, multiple canopy layers and vegetation in a variety of types. “Inaudible” and of course the canopy layers which we saw a picture of the Black River earlier. Different species are able to utilize different parts of that complex structure and not result in a really high species diversity. Complex habitat can also support a variety of life stages as well as behaviors so we’ve got breading behaviors, rearing, feeding, sheltering just all sorts of important functions. A steady water source and high continental diversity also means that sustenance is available for a wide variety of diets; if you want to eat it it’s probably there. Riparian areas provide more niches than any other habitat type. “Inaudible” woodpecker, looking for lunch in a standing snag in a riparian area. So riparian habitats make excellent migration corridors because of their connectivity throughout their connectivity throughout a watershed and the protective cover that they offer. Animals may use them for daily movements, seasonal movements, or maybe just once-in-a-lifetime travel. And the migration corridors also promote gene flow between populations as well as allowing shifts in range that maybe may occur in response to stressors such as global warming or other stressors. In fragmented landscapes such as developed areas riparian corridors are sometimes the only option for movement. This is the Mashell River in Pierce County it’s attributed to Nisqually. Riparian areas tend to have a higher humidity in milder climates than the surrounding areas and that makes them appealing to a lot of species. For example amphibians that tend to be year-round residents and riparian areas and large mammals may seek relief during hot summers or particularly harsh winters. And that little guy up there the Dung Salamander. Dung salamanders spend most of their life in riparian areas. So “inaudible” riparian areas provide more habitat and initiatives that any other habitat type. About 85% of Washington’s terrestrial vertebrate species use riparian areas for a central life activities that’s a pretty impressive number I think. Okay so I’m also going to talk about a couple physical riparian area that have some importance for humans as well as fish and wildlife. So I got a photo here of the Tahuya River in Kitsap County and we were just going to look at water quality in terms of some of the things going on in this photo. A road has replaced the riparian area on the left bank there so every time it rains anything on the road the oil or heavy metals or anything like that washes directly into the river if the road was set back from the river and the riparian area had been reserved and a lot of those pollutants would be filtering out every time it rains in the river. They would get filtered out in the riparian area. You can also see that there is some rip rap there, bank stabilization which is expensive and appropriate riparian buffers can reduce or eliminate the amount of bank hardening necessary to protect the infrastructure. Another little diagram this one I got the plants flowing, overland water flow while keeping soil particles in place. Vegetation is catching sediments and nutrient rich organic matter material that is often carried by runoff and this can be particularly important in urban areas where you want riparian areas to catch pollutants such as nitrates, phosphates, pesticides, industrial chemicals etc. etc. And this is a picture of a pair of gold trout enjoying some fine clean water, I love the shot. Flood control. This is Prairie
Creek it's a tributary to the Chehalis River it's down near great Wolf Lodge, so in the South part of the county, it's a seasonal stream its flows disappear during the dry season and you probably can't read it but the date on that photo is October 30. So it's pretty dry on the driest part of the year, well usually it's started raining by that point but any rate it's dry in this photo. This is Prairie Creek one month later, it's flooding and you can see to the right there some of the riparian vegetation is underwater, the waters come up into the riparian area. Flowage vegetation is an important function of riparian areas especially in low land parts of Thurston County and plants help out when they get in the way of flowing water, they slow the flow and may allow more time for water to infiltrate into the soil. And wetlands and healthy riparian zones can accommodate natural flooding of course though lots better than alternate areas.

Jeremy Davis: Vegetation would also help in the case of channel migration zones, right?

Theresa Nation: Yeah so that would be streambed stabilization.

Jeremy Davis: OK.

Theresa Nation: Yeah so riparian areas can help absorb and store water which is then released more gradually. And this is another shot, another photo down by Prairie Creek. “Inaudible” area, it's facing development pressures and so in order to retain the riparian flood retention functions that we're just looking at it's going to take some good effective planning.

Jeremy Davis: So just to point out before you go on for the planning commission cause I remember when this question came up during our sign chapter, that's our standard sign right there. Just so you know so. Thank you.

Chair Lane: Is it actually illegal to cross over where those signs are posted, or says do not disturb?

Jeremy Davis: No there is no problem with walking just don’t go in there and dig it all up you know?

Chair Lane: Ride quads through it.

Jeremy Davis: Right.

Cindy Wilson: That might be a problem.

Commissioner Earle: “Inaudible” about the type of plants they put in.

Theresa Nation: So, I think you all have at least heard of the priority habitat and species program and riparian habitat is one of our priority habitats. It qualifies as a riparian habitat for actually a pretty impressive number, well multiple criteria including these here and I just want to point out that the last is highly vulnerable to alteration as well as some of those ecosystem functions that we already covered. So riparian ecosystems are considered extremely sensitive to environmental change at the same time they’re also highly vulnerable to alteration particularly by humans. This is “inaudible” it’s in Lewis County it’s a tributary to the Cowlitz River and you can see it is a similar impacts here and there’s almost no
riparian vegetation left. The good news with this photo is that a creek like this can be restored. You can plant vegetation and it will recover quite a bit. However in urban areas when you lose your riparian area it’s usually permanent.

Jeremy Davis: So quick question, cause you know we might be discussing buffering averaging for riparian zones. So say someone where to use some of the riparian area to use as their building area; we have in our proposed code a 5,000 square foot building area for single family homes in the rural area. If we were there to take up some of that riparian zone, build on it and then could they go and then go under the rest of it and then revegetate and that will still mitigate some of their impacts on the riparian? Did I sound pretty clear on that?

Theresa Nation: I would, boy, well I’m not a mitigation specialist but I would say that a you know if you move into a place like this it’s already impacted. Putting in a home that is going to be a permanent impact however you know if you can replant that creek and restore functions that are not there at present that’s probably a gain for the system. So this is just a list of some of the effects of urban and industrial developments.

Commissioner Jackson: “Inaudible” does this come with urbanization or what is it exactly?

Theresa Nation: A lot of times if an area, yeah it can come with urbanization. A lot of the times when an area is disturbed especially riparian vegetation then that’s an opportunity for invasive plants to get established. A natural eco-system tends to be somewhat resistant to invasive species but once you introduce some disturbance then it’s more vulnerable. So it’s hard to see in this picture but what little vegetation there is on that failed bank is blackberries. Yeah.

Commissioner Jackson: “Inaudible”.

Theresa Nation: Yeah, so and this is, that shot its bank erosion on “inaudible” Creek, which I don’t know exactly where that is but.

Commissioner Jackson: But they don’t do a great job on bank stabilization then “inaudible” blackberry fence.

Theresa Nation: No. I don’t know much about the root systems of blackberries, they don’t provide a lot of the same habitat functions as the native plants do. So, when it comes time to consider buffer widths it’s important to keep in mind some of the basic goals of riparian habitat areas. Retaining riparian habitat functions is necessary to maintain in stream habitat for fish and wildlife, fish and aquatic wildlife again because of those critical interactions between the two habitat types, and then also to provide efficient habitat for terrestrial species. And I thought I would just give you guys a few basics about riparian habitat areas. On the first item transition zones do play an important role in maintaining riparian and aquatic systems and even thought that is probably not intuitive it has definitely been demonstrated in scientific studies “inaudible” literature. Riparian habitat areas are neither maximums nor minimums. Department of Fish and Wildlife offers our recommendations are single number for each stream type. Recommended riparian habitat area widths a design to retain fully functional riparian habitat, that’s all the functions that you would expect of a riparian habitat. We haven’t identified minimum width because minimum conditions just don’t offer adequate habitat to support fish and wildlife in the long run and that’s really what I want to emphasize.
is the concept of the long run, long term protection often times by the time it’s recognized
gradual long term damage caused by inadequate protections is expensive to fix if not
irreversible. And as far as maximums it’s not a really relevant question just because from a
fish and wildlife perspective maximum protection would probably evolve no development
anywhere. And this is just the table with our recommendations I’m guessing maybe you guys
are already familiar with it but you can, it’s got the old type, stream types there I did notice
thought in something that Andy sent that there was sort of a translation.

Andrew Deffobis: Yes, the jurisdictional comparison that was handed out a couple of
meetings ago it has what the proposal is and then it also has the comparison of types one to
five yeah and then we’ve got it, I’ve got it on my computer if you want to pull it up.

Chair Lane: And these buffers are based on scientific studies?

Theresa Nation: Yeah. So based on expansive literature review.

Chair Lane: I’m looking at a type one and two and saying wow that’s almost a full football
field as a buffer that just seems I don’t want to say overkill but that seems like an awful lot on
either side of a stream to take away from a property owner.

Jeremy Davis: That is a similar figure to what you’ll see in the model ordinance that FEMA
and National Marine Fisheries put out for their biological opinion for drainages to Puget
Sound which for type one and two streams like the Nisqually you will see 250 foot in there so
that is technically for those drainages or all drainages as best available science. So and that’s
for anadromous fish preservation so.

Commissioner Earle: It should be acknowledged that that is usually based on assumption that
it's eventually going to develop into an old growth conifer forest.

Jeremy Davis: Yeah.

Theresa Nation: Well old growth conifer forest aren't necessarily native to every area.

Commissioner Earle: They are to every stream leading down into the Puget Sound. And
that's the source of the best available science “inaudible”.

Cindy Wilson: Are you saying if that didn’t develop into that you would need bigger
buffers? Potentially?

Commissioner Earle: If it doesn't develop into that then you have different riparian functions
that require protection.

Theresa Nation: I mean what do you want, you want it to develop into whatever the native
plant community is for that area?

Jennifer Davis: So the piping of the stream though, what we say a stream type is now is based
on its current functioning and condition so it's going to be a type I or type F or whatever
stream based on.

Theresa Nation: Yeah, the letters.
Jennifer Davis: What it's doing now and what it's functions are now and so that's what the science is relating to is not an idealized state for that particular stream it's actually looking at what the stream is doing now. And if it is a fish bearing stream of decent width and cubic feet per second flow that's what triggers the science that's going to lead you down the path of 250 which is you know where a lot of the recommendations land 200, 250 and that's looking a lot at fish because for all of the terrestrial wildlife you know that number is relatively low for many of those species but yeah I mean there is like 1,200 studies or something in just the fish and wildlife document alone I know that and I don't know “inaudible” as one of their studies so there is quite a bit of science out there. I mean it's ultimately a policy decision and that social science plus science, science decision on where you have on buffers but the science is pretty clear.

Jeremy Davis: I know that NMFS is going to be looking at us to follow their model ordinance for buffer widths to comply with the EAS if I am not mistaken, right Cindy?

Cindy Wilson: The biological opinion is what you're talking about, yeah.

Jeremy Davis: So that's our compliance with the Federal Endangered Species Act for salmon habitat or salmon species for drainages that go into Puget Sound.

Commissioner Spaulding: And that stands for?


Jeremy Davis: Sorry. Bill should just throw something out because he brought that up at the last meeting.

Theresa Nation: And I believe that NIMS has determined that by adopting Department of Fish and wildlife’s recommendations that will bring a jurisdiction into compliance for NMFS.

Jeremy Davis: I know the minimum we need to encompass the hundred year floodplain is the riparian area to meet the biological opinion as far as FEMA goes but when you go beyond that to the Endangered Species Act is when you get to these other buffers.

Commissioner Kohlenberg: These are not very different from what we had.

Cindy Wilson: No these are pretty close, what we’re proposing.

Commissioner Davis: They are pretty close.

Commissioner Kohlenberg: Then what we had in the version that we began with. These are not particularly different than the ones we came up with last time, is what I'm saying.

Andrew Deffobis: Right.

Commissioner Kohlenberg: They’re different than the ones we now have.

Andrew Deffobis: Right.
Commissioner Earle: So is this NMFS guidance included in the BAS Cindy?

Andrew Deffobis: I think that you got it with the frequently flooded areas, the whole biological opinion.

Commissioner Earle: That's what I thought was part of the flooding regulations rather than the riparian wildlife regulations.

Andrew Deffobis: Right and we're also planning to get someone in here to address all of that as well.

Jeremy Davis: That's what we're going to include in the habitats because that's kind of where they belong, so.

Andrew Deffobis: It will be cross-referenced on there with the other documents.

Theresa Nation: Also through this table on at the end if anyone was curious to see it it's, this is the results of the literature review that was used to develop our recommendations and we've got several specific functions of a riparian area and some of the ranges that were found in the literature. You know not all studies are well studied the exact same thing, and they're done in different conditions and that sort of thing so there, some of them are some pretty big ranges; the wildlife habitat range 25 to 984 feet. You know you're probably talking about.

Commissioner Kohlenberg: It Depends On The Wildlife.

Theresa Nation: What's that?

Commissioner Kohlenberg: Depends on what wildlife.

Theresa Nation: Yes exactly you're talking about different species.

Andrew Deffobis: I think this table appears in the 1997 WDFW riparian guidance which you also got on your BAS CD. Either there with the wetland collection or the flood so you've got this information as well.

Commissioner Spaulding: I'm just defining the acronyms as we go in my own head.

Andrew Defobbis: Yeah.

Theresa Nation: So this table is out of that document, the riparian management recommendations. So that's, yeah anymore questions?

Commissioner Nelson: Can you go back to the slide before the buffer first slides?

Theresa Nation: Let's see, before, just say when.

Commissioner Nelson: You went past it.

Theresa Nation: Oh.
Commissioner Nelson: I think it's that one may be the next one or the one before that. Okay. That's the one I was looking at so recommended riparian habitat areas are designed and should retain fully functional riparian habitat. That was the thing that I saw that I thought it was important for us to think about because A; we're dealing with not necessarily with fully functionally already. B; we have other things to think about besides the habitat, we've got other goals.

Chair Lane: We understand where you're coming from, you have an agenda which is to protect the fish and the wildlife. Obviously we have a lot of other things to consider than just protecting the fish and wildlife. We have a lot of angry property owners and stuff saying that the buffers are already too big and you want to make them bigger. So it's not that easy for us.

Theresa Nation: Right just that keep in mind though inadequate buffers that don't provide protection for functions that are important for either the ecosystem or for people like flood control you know those inadequate buffers will set in a gradual cycle of habitat degradation and loss of functions and once that's established it's hard to get out of and the damage that's done is often times not repairable. Towns are established, roads are built things like that and you can't go you can't turn the clock back on that I've seen it done too many times.

Chair Lane: So and it kind of brought this to the staff before I seen that the stuff that's in place now as inadequate? I mean the protections that are there the buffers are you saying that that's not adequate? Because you see one were doing the growth management and one were considering this we have to consider the best available science. We have to consider it we don't have to act on it so what I've asked the staff is I want to in order to balance all the goals of the growth management act I want to see that what we have in place right now isn't working. Because if we're going to go up a bunch of buffers and tell all of the people of the county that were taking basically more of your property from you, your still going to pay taxes on it but were going to take more of it that you can't use, we've got some explaining to do. And so we need to say to them but there you know there's some proof that what we got in place right now isn't working; pollution levels are up, you know there's a bunch of stuff being damaged, you know it's, so we got explained that you can't, I'm not just going to say oh we have a 200 foot buffer, you guys think it's great that we make it 300 so let's just make it 300.

Commissioner Davis: So would it help Chris if like we got, if staff collected some of those, because those are studies I mean how many three or do you list, the quality issues they're not dropping off that list.

Jeremy Davis: It's all on your science CD that you received tonight, the 303d list, streams and the connections to the Ecology website on how you can find out more information. I don’t know how many pdf's Andy made off of that.

Andrew Deblois: Yeah, I just wanted to say you know partially in response to that concern last time we did go out and try to find local information and it's all on there. At this point for you to go on that CD though and just look through all those things and try to figure out what we put on there that we meant to address that you might go crazy so for next week I'll try to come up with a brief kind of outline or narrative that says here's the documents that have been specific consideration, here you go, go with it. It might take you to different websites where you have to do a little digging but will provide a little more guidance in that. All of the raw data is there it's just the pathway is not as clear as I wanted it.
Jeremy Davis: Right, we also included on there some EPA guidance handouts basically on specific uses and there impacts on CARAs because you asked about that last time so.

Chair Lane: Right.

Commissioner Jackson: I look like to say something, in the context of with the chairman spoken you've got there is another side to that as well. How far do we go in terms of mitigating buffers when we begin to infringe so badly on existing science and the other agencies that are involved in protecting the things I'm protecting these habitats before we wound up with litigation where the state fish and wildlife, the federal fish and wildlife or any of the other agencies that have to do with those habitats there causing the problem here. You can't go this far you've got to listen to the science and you've got to have at least this, you've gone too far. I don't know how you anticipate that but they're becoming very aggressive about these issues those agencies. I guess that's just something else to keep in mind. You know we were almost damned if you do and damned if you don't hear but I guess we'll have to look at this very carefully, take into account both the sites that have their issues with land-use and protection of habitat.

Commissioner Spalding: And on the human side I think too that we have to remember that in a riparian area particularly what happens on your property affects other humans downstream.

Theresa Nation: It affects the whole system.

Commissioner Spalding: It affects the whole system, right. So it's not just what your property you know does so it's pretty complicated isn't it to balance all of.

Chair Lane: Well and that's why I said I would like if we have, if Andrew found stuff that shows the pollutant levels are up across the board that tells me what we have is working. If a lot of the data we have coming back says you know really the pollutant levels have gone up in the last 10 or 15 or 20 years that they duly have is good I don't know I haven't seen the data so I don't know how to answer that.

Commissioner Jackson: "Inaudible" the health of the habitat in the riparian areas completely "inaudible" and that's objective.

Commissioner Kohlenberg: The date of that would be relevant to this probably.

Commissioner Jackson: I mean you know these riparian areas are being destroyed by basically development coming to close to them in some areas where there wasn't any regulations or just happened that way which happens sometimes I guess we have to look at that but I'm not sure how we can do all of that I just don't know how much information is available to say well we lost this much of a healthy riparian habitat/area because we had this development to close to something like that. I'm not sure I'm being devil's advocate but this is a very difficult subject.

Commissioner Kohlenberg: Yes it is.

Chair Lane: It is. And no matter what we do somebody is going to be unhappy there's no doubt about that.
Commissioner O'Connor: There is no doubt about that and I think the other thing that we don't know and it's part of what the science is telling us more and more now is that at this moment there's probably still a time lag that we don't know about that are data is not yet able to fully show us but we do have data that's starting to show us that there are problems. There are problems with water, clean water, water quality in various areas some of those things I think are wrapped up on the diskette or the CD and because of that time lag we can necessarily know at this moment but what we can do is say is based on information we have now and that we know what happens as things progress were trying to make this balancing act and not go too far on one side or the other so that there's maximum buffers meeting zero development and then minimum buffers meeting everybody's water is a mess.

Chair Lane: Right.

Theresa Nation: That's a good point I mean you know a jurisdiction that "inaudible" about insufficient protection for those habitat functions I mean you're not, the fish aren't suddenly going to go belly up in the stream and the birds suddenly not going to vacate the trees you know in that same week it doesn't happen that fast their gradual changes over time and sometimes they're pretty hard to follow especially you know when there's not active monitoring going on. I mean I doubt the County has the money to do something like that but somebody does.

Chair Lane: Right, which is, you know we go back to the point which is why we address this every seven years is to hopefully see what the cumulative effects of letter decisions were in the past.

Commissioner Kohlberg: I think the other difficult thing in this is that the real difficulty in streams isn't the pristine streams it's the ones that are partly degraded already. What we do about those? When you're sitting and you have a lot in this particular lot is beautiful for a couple of plots are beautiful the trees are also there but around them the trees have already been cut. You know I think in terms of policy the most difficult questions are those questions not how wide should it be and what are we protecting because there certain kinds of things we're trying to preserve and we can figure out when we have vegetation all there we can figure out how to preserve them but it's harder to know what to do when some of the stream is already pretty degraded then what are you protecting when protecting the remaining pieces of property and that's a policy question I want to spend a little time on when we get to the riparian. We struggled with it before and will probably struggle with it again.

Commissioner Earle: There is another point here which is you want to avoid reinventing the wheel. This particular bullet has an enormous amount of case law, Growth Managements Hearings Board that's come out in the last five years or so and one of the things I was wondering is if staff was proposing to give us a summary of some of the findings in that case log because it's gone a long way to limit our options as far as designation of riparian buffer's.

Jeremy Davis: We've. Way back in January we did that, that's the HEAL Decision, and the WEAN Decision and just using acronyms because I was trying to find exact case names so we'll come back to you next week with those exact case names but it was in January 5th presentation and there was some more recent case law to about that. Remember we had a discussion at the planning commission meeting about those and what the Supreme Court had
said about varying from best available science and said we have to have a really good reason to do that and that the goals don't outweigh the directive of the GMA to consider best available science. So they don't necessarily do that as a policy choice we just can't choose not to.

Chair Lane: And if we get down to where we feel like our hands are tied and we tap to push it through this way that I'm going to want before the public hearing is I'm in a want a really good presentation everybody sitting there about hey this is why we did this that her hands were tied and you know a lot of this was forced on us to make these decisions. So they don't just think we are a bunch of bad guys up here taking away their property rights. That there's reasons behind what we did. And if you don't explain that to them they're just going to assume that we just wanted to make really good buffers.

Bill Jackson: I wouldn't take the hands are tied card, I'm sorry Jennifer go ahead.

Jennifer Davis: I'm with you.

Bill Jackson: I would take the position that we took all of the information available we looked at the best available science and you know sometimes, I'll give you an example 25 years ago if someone told you we would have big parks in the Pacific Atlantic Ocean like a dead sea off the coast of East Coast and the West Coast they would probably laugh at you but we have those dead seas and you can get rid of them nobody knows how to destroy them but there's vast parts of our ocean that are destroyed by all the plastic and all the junk that we throw at them and we can't fix it and they're getting bigger every year. So we have a responsibility to see that, that doesn't happen to habitat and environment that we live in and we have to pay attention to the science. It's not a matter that the feds are going to hit us over the head or the state government won't like us anymore were leading our responsibility. I'm not going to make an excuse for my actions on this commission. I took all the information that was available and we made the best decision we could add this protects not only this community it protects the entire state, it protects the Puget Sound. And enough I'm not making apologies for making intelligent decisions. If we get down to this point I will stay home, it's as simple as that. I want to say here's what we're doing, here's where doing it at this for everyone's benefit. And some property landowners are going to have some issues about well will "inaudible" litigate economic circumstances here we will do the best we can but this is what we're doing to protect the health, welfare and the being of the people of this state.

Chair Lane: Yes, and that is fine Bill but you were at the last one seven years ago where people were screaming at each other, people were kicking chairs of the people that agreed with the cause.

Detailed section ending at: 00:45:29

The Commission continued discussion about how the public hearing should be held in able to provide a healthy environment for guests to speak and feel safe. Videos of case law etc will be posted on line to help aid in distributing information to the public. Further maps of affected streams with new buffer sizes were asked to be distributed to the Planning Commission. Staff also recognized that different types of streams will have to be “Typed”
when applications applied for etc. Further discussion ensued including adding more
additional special Planning Commission meetings to accommodate the time line before the
hearing.

9. 7:49 P.M. WORK SESSION: Cottage Housing
Staff: Tony Kantas

Mr. Kantas started the presentation with pictures of smaller cottage housing dwelling units
with the pathways to common open space for the development. The pictures were within
City limits. The units first shown did not have a garage connected to each unit they were
common garage spaces or group garages. At the September 7, 2011 work session the
Planning Commission requested staff to provide additional information regarding density
bonuses, maximum square footage, setbacks, garages, accessory dwelling units and accessory
building size height.

When this type of development first was proposed about ten years ago another concern was
the security with the houses facing each other with the sidewalks in the middle. The concern
was the police/security not being able to patrol however the police/security said because the
houses were facing each other it is the best type of security around. Neighbors watch
neighbors and kids are on the other side of the sidewalks as opposed to next to the street on
the outer one.

The density bonus would only be applied to a cottage development if the proposal is in
complete compliance with all standards of the cottage chapter i.e. all dwellings built to a
green building certificate program, setbacks are maintained, compliance of all open space and
parking requirements. In many instances based upon lot size and configuration, the
development will not be able to achieve the maximum allowable density bonus, as a result to
lock configurations, the cottage footprint requirements, setbacks, open space, and parking
area requirements. All cottage development would occur within the urban growth areas
which provide public water and sewer utilities at the density bonus will maximize the infill
opportunity and give incentive to build energy-efficient dwellings.

The maximum total allowed square footage has been changed to 900 ft². The total square
footage will include the main floor and second-floor, but will not include covered porches
and garages. Language clarification was also requested by the planning commission on the
maximum square footage within a memorandum.

As drafted, the minimum setbacks would be 10 feet from the front, 5 feet for the rear, and 5
feet for the side. The setbacks are consistent with urban zones and other jurisdictions
setbacks for cottages. The cottage setbacks are minimum, so the developer could design the
cottage lots to be larger with greater setbacks to accompany accessory buildings.

Accessory dwelling units are permitted in all the urban growth areas. As a result to scale of
the cottage development, the code has been drafted it to allow one accessory dwelling unit
per every five cottage lots. A discussion took place on allowing an ADU since the actual
cottage unit is smaller in itself. The language will be left within the draft to see the response
from others at the public hearing.

A detached accessory building is considered a normal appurtenance to a single-family
residence, which allows the residence to store gardening tools, toys, vehicle parking, etc. As
proposed, the maximum height of an accessory building would be 18 feet. The height of 18
feet should give an incidental appearance to the cottage, which has a height limitation of 25
feet.
The alternatives discussed were option one; to amend titles 20 and 21 by allowing cottage housing development within the Lacey and Grand Mound Urban Growth Areas. Option two; make no changes to title 20 and 21 with regard to cottage housing.

The department recommendations were that the resource stewardship department staff recommends the planning commission will forward development code docket item A – 13, amended development code to allow cottage housing development within the Lacey and Grand Mound Urban Growth Areas (Title 20 and 21) with a recommendation of approval to the Board of County Commissioners. Further discussion ensued. The draft staff report for Cottage Housing is available on the planning commission website.

MOTION: Commissioner Davis moved to reset the public hearing date for Cottage Housing to November 2, 2011. Commissioner O'Connor seconded. Motion carried.

8:23 P.M. WORK SESSION: Development Code A-9 Agri-tourism
Staff: Scott Longanecker & Mike Kain

After the planning commission work session on September 21, 2011, staff requests that a public hearing be set for A-9 on Wednesday, October 19, 2011. There will be time prior to the hearing for at least one additional work session if there are outstanding issues needing to be addressed prior to the hearing. Also, if necessary, and additional work session could be held immediately following the public hearing, where findings can be discussed and approved. Concerns from the planning commission were raised about setting a public hearing prior to having a draft that the public can look at.

The planning commission has held two previous briefings regarding the agri-tourism, Wineries and Breweries Ordinance amending Title 20. The first briefing was June 1, 2011 and the second on June 15, 2011. Several issues were raised by the planning commission members at these meetings and staff is attempted to answer and address these issues and concerns within the revised staff report. Staff has also met with the Board of County Commissioners and County Administrator on July 22, 2011 to brief them on the status of the amendments and provide staff with additional direction. Attachments have been added to the draft staff report B through H.

The definitions were then discussed that were cited in a draft staff report. Country inns would be reviewed administratively if they were under 6000 ft.². Over 6000 ft.² a special use permit is required which goes through the Hearing Examiner process. 20,000 ft.² was brought up by the Board of County Commissioners. Anything below 8000 ft.² by definition has a lesser impact the board has determined that anything above 8000 ft.² is big enough to have bigger impacts. Different square foot numbers were then discussed. Commissioner Davis proposed that within all the rural zones that we say 8000 ft.² for an administrative site plan review process and then obviously if you go over that you do special use permits except in the long-term Ag and Forestry district she said 8000 ft.² is a hard limit and you can’t go above that through special use permit to get to 20,000 ft.². The definition of a country inn right now does not include residences it’s a café. So, this will change the definition of a country inn and it will apply everywhere except for the long term Ag and Forestry. Spacing criteria was then discussed along with square foot maximum. Commissioner Spaulding once the planning commission to decide whether they’re going to recommend an overlay district or the whole County. Scott Clark will the commission that they cannot make a recommendation at this point because they have not on public hearing however an option may be put in a draft staff report to take to hearing covering Commissioner Spaulding’s concern. Further discussion ensued including clarification.

11. 9:21 PM ADJOURN

With there being no further business, Chair Lane adjourned the meeting at 7:58 p.m.

Chris Lane, Chair

Prepared by Carrie Toebbe, Recording Secretary