THURSTON COUNTY PLANNING COMMISSION

Minutes October 19, 2011

1.  6:30 P.M. CALL TO ORDER

Chair Lane called the October 19, 2011 meeting of the Thurston County Planning Commission to order at 6:30 p.m. Commissioners provided self-introductions.

Attendance: Chair Chris Lane, Commissioners Christine Spaulding, Christopher Earle Edward Fleisher, Jennifer Davis & Liz Kohlenberg

Absent: Kathleen O’Connor, Bill Jackson & Scott Nelson

Staff: Andrew Deffobis, Cindy Wilson, Scott Clark, Jeremy Davis

2.  6:30 P.M. APPROVAL OF AGENDA

MOTION: Commissioner Earle moved to approve the agenda. Commissioner Fleisher seconded. Motion carried.

3.  6:30 P.M. STAFF UPDATES

Mr. Clark provided the following staff updates:

- Concepts for the CAO public hearing were suggested. The hearing starting time is proposed at 10:00 a.m. with a five minute recess every hour or so and a ½ hour lunch. The proposed end time is 3:00 p.m. but the Planning Commission may say that the hours could be extended if need be. November 18th is the proposed start date for the written comment period and the end date is December 23rd. The date for the hearing is on December 10th.

- The Critical Aquifer Recharge Area Chapter will be brought to the Planning Commission on November 2nd and will probably take until the hearing to discuss. Staff believes this is the most intense chapter to go over.

4.  6:37 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)

1.  Jim Zahn – 3323 Yelm Highway SE – Spoke in regards to property rights, the CAO and beaver dams.

The official audio is available on line at:

http://www.co.thurston.wa.us/planning/planning_commission/planning_comm_minutes.html
5. 6:43 P.M. WORK SESSION: Critical Areas Ordinance – Lacey UGA Density Provisions, Critical Areas Tracts & Easements, Fish & Wildlife Habitat Conservation Areas, Special Reports
Staff: Scott Clark, Andrew Deffobis, Cindy Wilson & Jeremy Davis

Mr. Davis started the discussion with the Lacey UGA Density Transfer Issue where staff was asked to look into the issue further. A memorandum was handed out to the Planning Commission going into the issue including the numbers requested. The top formula on page three is what the Lacey UGA Zoning Ordinance does right now. The net result of that is if you take a 30 acre property and you’re applying their density reductions, you’re going to get fewer dwelling units than if you apply rural density reduction. Further calculations were discussed in the memorandum. Both options of this were discussed this past summer at a Planning Commission meeting.

Critical Areas Tracts and Easements were then discussed. In section 5 item E Commissioner Earle asked staff if that means that we want to provide for connectivity in habitat. Staff replied with yes and they discussed rewording the sentence. References as different things were defined were also discussed to help aid in the reading. Different distinctions were then discussed throughout many sections. Percent cover numbers were brought up for different vegetation and areas, vegetation being how they function. In the section involving a riparian management zone questions were brought up involving confusion of process. Staff intends for this to be an added limited development zone on top of a standard buffer zone and the Planning Commission believes that should be made clearer in the wording. A much simpler drawing or more variety with width on different stream types would be helpful. Many wording clarifications were discussed throughout the chapter as the discussion ensued. The draft chapter has also been given to the current planning section of Resource Stewardship for review and flow.

Planning Commission had a question about the definition of a wildlife blind. Currently it reads a structure no larger than fifty square feet used for the observation or hunting of wildlife. The question is then can an engineered structure then be placed in the buffer at the edge of a stream without a permit? Staff will be working on a more detailed definition to tighten the specifications. A discussion was then had about removing beaver dam’s regulations from the CAO which is already required from WDFW.

Commissioner Kohlenberg suggested adding different language by riparian areas for different uses; for example if someone were to donate a piece of land for a park and it had a stream on it, the entire area could be used not just the edge of the buffered area. Staff made suggestions of adding specific uses to this section also including the maintenance. Currently the section just says “x”. Within the active recreation section a public and private park will be further described.

New construction of bridges and culverts are permitted subject to a critical areas permit and then maintenance and repair of a non-governmental entity also requires a critical areas permit and yet repair and maintenance of railroads in the same section doesn’t. Why is a railroad a non-governmental entity was the question asked. The railroads fall under federal law with their own right of way. Staff will be checking into the railroad permit issue to verify the correct information.
Commissioner Spaulding asked that public facilities, except schools are prohibited in riparian areas, streams etc. Does this mean that schools are not prohibited? Why does this sentence state except schools? Staff will be looking into the specific answer but believes that part of the sentence should be taken out saying except schools.

On page 25 Wildlife Habitat Conservation Areas and intensive uses. The first sentence is misleading and it should be broader and mean Fish and Wildlife Habitat. This will be corrected. On page 26 the section on mineral extraction will stay for environmental regulations.

The question was raised that if you have a lot that is totally encumbered by a Fish and Wildlife Habitat Conservation Area can you still build a home? Existing lot provisions are within another chapter that does allow some allowances for a totally encumbered lot. This particular section has to do with the 5,000 square foot provision that the Planning Commission and staff discussed at a previous meeting but does need to be discussed further. There is also a reasonable use exception where you can apply for building on your property.

Special Reports were then discussed. 24.34.9; when special reports are waived, what is a one-time increase of impervious service? A one-time increase of impervious service means that the property owner will come in for a permit that one time, get the increase and if ever applied for again would be denied. Ten years of monitoring was then discussed and why so long with so many reports or monitoring. The Hydro geologist for Thurston County and Public Works are also reviewing this section for compliance.

Critical Area Tracts were then discussed. On page 1 it says the director may waive this requirement for non-jurisdictional critical areas, what does this mean. This means that it wouldn’t qualify as a critical area under the critical areas ordinance i.e. wetlands or it is too small to regulate by the County. Non-jurisdictional will be added to the definition section.

Staff will be working diligently on making the changes that the Planning Commission has suggested to the Critical Areas Tracts and Easements Chapter and provide reasoning of said changes if needed.

6. **8:15 P.M. Set Public Hearing for Critical Areas Ordinance**  
Staff: Scott Clark, Andrew Deffobis, Cindy Wilson & Jeremy Davis  

A short discussion of specifics for the date and time were discussed so that a motion could be made by the Planning Commission.

**MOTION:** Commissioner Davis moved to set the public hearing for Thurston County Critical Areas Ordinance revision on Saturday December 10th from 10:00 a.m. to 3:00 p.m. written comment will also be accepted during a public comment period opening November 18th 2011 through December 23, 2011 and the public hearing will be held in building 2 of the Thurston County Courthouse. Commissioner Kohlenberg seconded. Motion carried.
7. **8:17 P.M. CALENDAR**

October 26, 2011 – All Commissioners will be in attendance.

8. **8:20 PM ADJOURN**

With there being no further business, Chair Lane adjourned the meeting at 8:20 p.m.

[Signature]

Chris Lane, Chair

Prepared by Carrie Toebbe, Recording Secretary