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

Commissioner Nelson called the April 18, 2012 meeting of the Thurston County Planning Commission to order at 6:30 p.m. Commissioners provided self-introductions.

**Attendance:** Commissioners Christine Spaulding, Jennifer Davis, Scott Nelson, Chris Earle, Bill Jackson, Ed Fleisher & Liz Kohlenberg

**Absent:** Chris Lane & Kathleen O’Connor

**Staff:** Andrew Deffobis, Jeremy Davis & Cynthia Wilson

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

**MOTION:** Commissioner Earle moved to approve the agenda. Commissioner Jackson seconded. Motion carried as amended.

Mineral Lands and Mining in Critical Areas will not be discussed this evening.

3. **6:30 P.M. STAFF UPDATES**

Mr. Davis & Mr. Deffobis provided the following staff updates:

- The Planning Commission (PC) had recently made a recommendation to change the time period that someone can apply for a building permit after destruction (e.g. from fire or natural disaster) from 12 to 24 months. Jeff Fancher, the TC Prosecuting Attorney, did not believe legally that is a problem. Also Commissioner Nelson had asked about restoration of an original building and if you move it as part of relocation and Mr. Fancher didn’t think that was an issue either because the restoration would be part of the project, mitigation.

- The PC was asked to hold a special meeting on the 9th of May. Five PC members spoke up about being able to attend the meeting so a quorum would be present. Commissioner Lane and O’Connor will be asked if they can attend at the next meeting they are present.

- A new audio system is being tested this evening to help aid in clearer playback and further options with audio files.

4. **6:30 P.M. APPROVAL OF MINUTES**

**MOTION:** Commissioner Nelson moved to approve the November 30, 2011 minutes and accept the audio as the official record. Commissioner Spaulding seconded. Motion carried. Commissioner Davis abstained.
5. **6:38 P.M. PUBLIC COMMUNICATIONS** (Not associated with topics for which public hearings have been held.)

No members of the audience chose to speak.

The official audio is available online at:

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

6. **6:38 P.M. Work Session: CAO – Shoreline Armoring; Critical Aquifer Recharge Areas Chapter – General; Special Reports Chapter – General; Agricultural Use Definition**

*Staff: Andrew Deffosis, Cynthia Wilson & Jeremy Davis*

Ms. Wilson started the first discussion on Shoreline Armoring referencing the memorandum that was sent to the PC prior to the meeting. Ms. Wilson also handed out a report called “Defining Threatened in Terms of New Bulkhead Installation at Existing Development Relative to San Juan County – Examples and Recommendations” by Jim Johannessen.

Comments were submitted during the public comment period on the draft CAO that recommended re-evaluating shoreline armoring so that it is prohibited or discouraged. However, if stabilization is needed there would be an emphasis on using non-structural techniques or bio-engineering when possible. The current draft of the CAO addresses shoreline armoring in Chapter 24.15 Geologic Hazard Areas, Chapter 20.20 Frequently Flooded areas, and Chapter 24.25 Fish and Wildlife Conservation Areas. The language is similar in all three chapters.

Erosion and accretion of substrate adjacent to water, including streams and marine shorelines, is a natural process. Streams meander and marine shorelines erode and accrete in cycles. The erosion is the basis for stream beds and our beaches. They provide habitat, food sources, and water quality functions for all of the water areas.

The primary issue in reviewing a proposal for shoreline armoring or stabilization is the clarity for when and how these types of permits are allowed. Armoring of marine and freshwater shorelines is damaging to the ecological functions of these areas. Unfortunately, they are often proposed in those areas like shoreline feeder bluffs that have high value functions. In addition, residences are frequently located too close to the bluffs and where the natural erosion potentially threatens the stability of the structure. Several methods of determining whether a stabilization method will protect the structure should be employed. Much, if not most, of the shoreline erosion is a result of upland drainage issues. Poor maintenance of roof and impervious surface runoff as well as leaking or broken pipes frequently leads to erosion from the top of the slope. Bulkheads or other structural armoring will not fix these types of erosion issues. Other erosion, such
as from a feeder bluff, is extremely valuable in sustaining our beach substrates for forage
fish, salmon migration and human uses.

Balance is necessary in trying to protect the natural functions of the bluffs and the
shoreline ecological functions alongside protection of those structures that are truly
threatened by those natural functions.

Some suggested changes were then discussed to support the process of avoiding or
minimizing effects of shoreline armoring, including mitigation sequencing. This includes
adding a definition for “threatened structure” and additional steps to stabilize the slopes
or reduce erosion. The measures included:

- Correcting upland drainage systems
- Minimizing impervious areas
- Moving homes or structures back from a threatened location
- Feeding the beach substrate to steepen and minimize erosion
- Providing natural habitat substrate

The CAO updates also focus on the use of non structural techniques such as large woody
debris, vegetation or smaller structures in specific areas.

The proposed changes would be to the following:

- Add a definition of “Threatened Structure”, including which structures qualify for
  protection
- Add language that clarifies that new shoreline armoring will only be allowed for
  those structures that are threatened.
- Add requirement for mitigation measures

**Consistency with SMP**

Avoidance or minimizing the need for shoreline armoring is consistent with the current
SMP as well as the goals of the new Shoreline rules.

Staff Recommendations were then discussed and included the following:

**New Definitions**

Add definitions to Chapter 24.03 Definitions for “structures to be protected” and
“threatened structure.”

“Structures to be protected” means structures considered for shoreline protection,
including: primary parcel structures (includes commercial, industrial or residential),
accessory dwelling units, septic systems, public roads, public infrastructure such as pipes
or utilities, and private driveways/roads where relocation is not feasible. Structures not
protected are: stairs, trails to the beach, bathhouses, detached deck/patios, fences, sheds,
trees, and landscaping.
“Threatened Structure” means a structure that qualifies to be protected from stream bank, slope or bluff erosion and where through a geotechnical report it has been determined that the documented erosion rates over a 30-50 year period show that a structure will be harmed within a three year timeframe. An additional hazard assessment process by the geotechnical expert may be included to ensure that the structure is not exposed to landslide hazards potentially not captured in the erosion rate methodology. If the erosion rate and additional hazard assessment suggest that harm will likely occur to the structure within a three-year timeframe then the property is deemed “threatened”.

The changes that would be made to the Shoreline and Slope Stabilization text would be to amend proposed Section 24.25.300 to clarify shoreline and slope stabilization text to clarify when and how it will be allowed.

Commissioner Davis asked that on page 3-A, the third sentence be amended to include a notation that current best available science will be used to determine appropriate techniques.

Commissioner Fleisher suggested some “clean-up” language for some of the definitions including defining what structures are threatened structures or including the language “a structure to be protected”. This makes it clear that threatened structures include the septic and roads etc…

**MOTION:** Commissioner Kohlenberg moved to adopt the amendments to the Critical Areas Ordinance in the Shoreline Armoring. Commissioner Fleisher seconded. Motion carried.

Mr. Deffobis started the second discussion on Critical Aquifer Recharge Areas. The Planning Department and Planning Commission have identified several issues in the draft CAO that require revisiting following testimony submitted for the Planning Commission’s public hearing. Several comment letters focused on Critical Aquifer Recharge Areas (CARAs). Comments pertaining to CARAs were also forwarded to staff in the Water Resources and Environmental Health Departments for their review. Specific comments included:

- Characterization of CARAs using soil data should be avoided, unless an analysis is completed on its relation to underlying geology
- Some uses in CARAs should be re-evaluated
- Permitted/prohibited uses should be consistent with standards for neighboring jurisdictions
- Use precautionary principle for CARAs and protecting drinking water
- Prohibiting sand and gravel extraction in Category I CARAs will have negative impacts

Specific comment letters that were then discussed were:
• Comment 37: Charles Ellingson, Principal Hydrologist for Pacific Groundwater Group
• Comment 83B: Scott Egger, Director of Public Works for the City of Lacey
• Comment 104B: Richard Hoey, Interim Public Works Director for the City of Olympia

Critical Aquifer Recharge Areas Characterization
Thurston County received comments from Pacific Groundwater Group on the proposed characterization of CARAs. The comments were forwarded to the county hydrogeologist for review, who has determined that at this time, no amendments to the proposed characterization are warranted. Staff concurs with this assessment, but will re-examine the issue based on any further input as the CAO update moves forward with the Board of County Commissioners.

Consistency with Neighboring City Requirements
The City of Olympia and City of Lacey have commented on sections of the draft Critical Aquifer Recharge Areas chapter. At their request, staff has met with City of Olympia representatives to discuss inconsistencies between the City’s and County’s provisions for aquifer recharge areas and wellhead protection areas. The City has requested that Thurston County consider amending the draft to be consistent in those portions of the City’s drinking water protection areas that are within County jurisdiction. Their comments are shown throughout the draft chapter. Staff has also reviewed City of Lacey comments and has proposed amendments, where appropriate.

Land Use Table
In response to comments from the general public and the Planning Commission over time, the land use table has been reformatted similar to the example Fish and Wildlife Habitat Conservation Areas table presented at the Planning Commission’s April 11 th meeting. Additionally, staff has proposed an altered definition of the designation “X/S” to improve clarity. The proposed definition reads:

“X/S = as determined by the approval authority, only small scale uses or those using nonhazardous materials may be permitted when the quantity, nature of materials processed and mitigation methods are determined to contain no significant risk to groundwater”.

Reclaimed Water
Several comments at the public hearing and in written testimony focused on reclaimed water. Comments expressed by various parties were both in support of and concerned by the use of reclaimed water for aquifer recharge. It is important to remember that in the time that has elapsed since the public hearing, the Planning Commission voted to remove infiltration of reclaimed water from the draft CAO until more information is available to the County on its long-term human and environmental health implications, if any. Removing infiltration of reclaimed water from the draft bans this use from occurring.
Mining in Critical Areas

This issue has received considerable attention during the CAO update process, and is also the subject of compliance actions being undertaken by the Planning Department in response to a Western Washington Growth Management Hearings Board Final Decision and Order. Staff has prepared a separate memorandum to discuss the topic in depth.

Commissioner Kohlenberg then commented on the letter from Pacific Groundwater about the particular arrangement of geologic units in CARAs on the CAO land use table. She then asked staff if they had assessed the comment. Staff did send the comments to the County’s Hydrogeologist, Nadine Romero and she did not propose any changes based on the comments. Commissioner Kohlenberg would still like to see the comment addressed and staff will be discussing the response to her and Pacific Groundwater’s concern with Ms. Romero to fully report back to the PC. A written response was given to staff and they will be sending it to the PC so that they can read it.

Staff then asked the PC if they like the definition of X/S that has been proposed. The feedback that was given to staff from the Environmental Health Department was at first no but when given specific options as “smaller scale” with specific rules as defined in the definition they agreed further review would be needed but the answer would not always be no. Commissioner Earle asked that the word only be taken out. A few small scale examples were then given to help support the opinion of the Environmental Health’s opinion. No decisions were agreed upon so the PC will wait to discuss further at the next meeting.

Commissioner Kohlenberg then brought up the point that she agrees with Pacific Groundwater about being consistent and only using one method therefore geologic units and not soils. She asked that at the next meeting this be discussed further after more review is completed on the proposal.

At the May 2, 2012 Planning Commission meeting staff will be going over the CARAs section again after the PC has had more time to review the proposed changes that have been incorporated from public comments.

Mr. Deffobis continued into the part of the work session about Special Reports. Specific comment letters that addressed the Special Report chapter requirements include the following:

- Comment 77D: Wendy Gerstel, L.E.G., L.H.G.
- Comments 91B, 91D: Ken Neal, L.G., L.E.G.

The comments have been reviewed by staff and incorporated into the draft in many places as “staff options”. In addition, the comments by Ken Neal were reviewed by Mark Biever, Environmental Monitoring Program Supervisor in the Water Resources Department, who evaluates geotechnical reports, submitted to the County.
Generally speaking, comments requested that staff revisit various provisions of the draft Special Reports chapter for inclusiveness and also consider specific amendments to reporting criteria or other language.

Staff has proposed amendments to the draft Special Reports chapter based on further review and also in response to public hearing comments. Some comments also led to proposed amendments in draft chapter 24.15, Geologic Hazards.

Staff brought specific attention to the following proposed text amendments:

1. Proposed general text for chapter 24.35 TCC:

   **24.35.022 General qualifications for report preparers.**
   Special reports required by this chapter shall be prepared by professionals licensed, certified, or otherwise qualified to collect and analyze pertinent data and present a determination regarding the nature of a given critical area, its habitat value, threats posed to the critical area functions, threats posed to public safety; or other relevant information, as determined by the director. Criteria for determining qualification are also found in specific sections of this chapter.

2. Whether to use simplified Mason County model for reporting requirements, vs. a more technical Pierce County model.

3. Whether to use a Mason County type model for waiver of special reports

4. Should applicants be required to estimate increased stormwater infiltration for a period of greater than one year?

5. Does the Planning Commission want to make any amendments based on these comments from section 24.15.180?

Staff asked that the PC look over the amendments to chapters 24.15 and/or 24.35 TCC that they have made and direct them to make any further changes.

An electronic copy of the Special Reports section will be mailed to the PC. As with the other sections that have been discussed this evening the special reports section was reviewed and public comments were considered in adding or deleting certain sections.

The PC did not think that changing to a more simplified model for reporting requirement i.e. from Pierce County’s model to Mason County’s model was a good idea. Some comments had been received that the land slide hazard requirements were too detailed and a simplified version was requested. When Pierce County’s model was created and considered it was because they do have geological hazards. 43:30

Mr. Davis discussed the next item on the agenda, Agricultural Use definition. The current draft Title 24 will only apply to nonagricultural uses, and the lesser standards in
Chapter 17.15 of the Thurston County Code (TCC) will apply to agricultural uses. There are several outstanding issues in the transition to the proposed dual agricultural and nonagricultural CAO’s. Two of these are very similar and must be addressed prior to adoption. These are the applicability of each chapter, and the definitions for agricultural uses. These are important because of the differing standards between the two, and the possibility of redevelopment in the future to another nonagricultural use.

The PC was sent the current definitions for agricultural uses and buildings from Title 20 Zoning TCC, Chapter 17.15 TCC, the Growth Management Act (Chapter 36.70A RCW), and the Shoreline Management Act (Chapter 90.58 RCW) in the memorandum dated April 18, 2012.

The PC also was sent draft Section 24.01.025 in Chapter 24.01 of the proposed Title 24 and draft Section 17.15.110 Applicability in Chapter 17.15 from the November 18, 2011 draft.

Staff is currently working on language for agricultural uses to resolve the issue regarding the applicability of Title 24 and Chapter 17.15 after final adoption. Some draft definitions that were written by staff were then discussed. One other modification to the definition that was added within the second memorandum if the property is currently enrolled in a voluntary stewardship program under the Growth Management Act (RCW 36.70A) with an approved individual farm plan without a standing violation. The County Commissioners opted in so the language has to be provided if the funding becomes available. The way it is defined now is considered a change in agricultural use and that is okay.

Staff has been trying to clarify that existing and ongoing Ag does not have anything changing, they would like to make the definition consistent with the GMA because now that has been updated and they have added the VSP so we wanted to add that in. This will also get us out of limbo when somebody wants to convert something to Ag, impact the old buffers or put it much closer to stream etc., then in return coming back in for a non-agricultural development permit and saying there is no riparian buffers there anymore or a prairie. The old definition for an allowance of a change of Ag use from a pasture or cultivated land to a building really is not consistent with the new GMA definition which actually specifically addresses replacing agricultural facilities that are existing allowing they are no closer to a critical area.

Commissioner Earle asked if there was anything other than prairies that could really be destroyed by agricultural activities. Staff answered yes with buffers even if someone made a buffer narrower at that point it would be cleared. Title 24 does not require restoration. There are all sorts of critical areas that can be destroyed from clearing that would not return.

Commissioner Kohlenberg asked if we are still not treating agricultural as we do other activities? Staff replied that is an option that could be explored in discussion with the conservation commission today you keep your regulations in place for existing ongoing
Ag, they get it, they keep it, it’s left in place. It is new agricultural uses that you apply standards to. Lewis County has a dual CAO one to include Ag and one that does not. They only apply their Ag CAO to LTA land. So if your farm is not designated LTA you do not get the old CAO, you have to go through the new one. That particular option did not fit with Thurston County. They used current use when they designated their LTA; Thurston County staff did not.

Commissioner Nelson asked a question on the definition of existing and ongoing where it says producing, grading, or increasing agricultural products in the memorandum that was sent out prior it said that agricultural products was in it and he would like to make sure that that stays in. Agricultural equipment and facilities will also be added to the definition.

Staff asked for any further suggestions to contact them through e-mail by next Friday which will be their drop dead date to provide a draft copy to the PC. Therefore next week at the next PC meeting the mining issue will be brought back to discuss also. The proposed final draft document will then be given to the PC to review with all of their proposed changes.

7. **7:42 P.M. CALENDAR**

May 2, 2012 – All Commissioner’s plan on attending.

8. **7:42 PM ADJOURN**

With there being no further business, Commissioner Nelson adjourned the meeting at 7:42 p.m.

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Scott Nelson, Commissioner

Prepared by Carrie Toebbe, Recording Secretary