THURSTON COUNTY PLANNING COMMISSION

Minutes March 3, 2010

1. 6:31 P.M. CALL TO ORDER
   Chair Lane called the March 3, 2010 meeting of the Thurston County Planning Commission to order at 6:30 p.m. Commissioners provided self-introductions.

   Attendance: Chair Chris Lane, Commissioners Scott Nelson, Kathleen O’Connor, Edward Fleisher, Christine Spaulding, Tom Cole, Liz Kohlenberg and William Jackson

   Absent: Commissioner Christopher Earle

   Staff: Olivia Terwilleger, Scott Clark, Jeremy Davis

2. 6:31 P.M. APPROVAL OF AGENDA
   MOTION: Commissioner O’Connor moved to approve the agenda. Commissioner Nelson seconded.

   It was noted that the legal notice that was published for tonight’s public hearing included “siting of asphalt batch plants” which is incorrect. Staff stated that if there are any members of the public can speak to that if they choose, but that is not a part of this evening’s public hearing.

2. 6:31 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)

   Mark Hancock
   Mr. Hancock stated that, as the Planning Commission (Commission) struggles with the asphalt subject, there are many in the audience who were on the task force and they spent thirty or forty hours on this, so if the Commission struggles with an issue during your discussions and would like to know how some thing came out of the task force or what was learned about it in the task force and if you don’t have that information here we may be able to help you. Mr. Hancock stated that they cannot interrupt the meeting, but the Commission is welcome to ask them questions. We are all here from all sides of the issue. Thank you.

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

   Commissioner O’Connor moved to approve the February 3, 2010 minutes and accept the audio as the official record. Commissioner Nelson seconded. Motion carried.

   The following changes were made to the February 3, 2010 minutes:

   Page 3, item 9, line 27 – change to say “hire a Prairie/Critical Area Planner”

   Motion carried as amended.
4. **6:34 P.M. STAFF UPDATES**

Mr. Clark provided the following staff updates:
- Staff will be meeting tomorrow to discuss the proposed 2010 Comprehensive Plan Docket which will be taken to the Board of County Commissioners (Board) in late April.
- New Administrative Assistant Carrie Toebbe was introduced.
- The Department of Fish & Wildlife will be hiring a Prairie Planner to work on the Prairie and Critical Area Ordinance.

5. **6:41 P.M. CALENDAR**

March 10, 2010 – Commissioners O’Connor and Cole will not be available, Commissioner Kohlenberg may be late.
March 17, 2010 – Commissioner Cole will not be available.

6. **7:24 P.M. WORKSESSION: TUMWATER UGA**

*Staff: Jeremy Davis*

Mr. Davis stated that the Memo from TRPC which was attached to the staff report was incorrect. Mr. Davis provided the Commission with the correct Memo.

Mr. Davis stated that the Commission, at a previous meeting, requested that staff provide a revised Urban Growth Area (UGA) boundary for the Littlerock Road Study area. Mr. Davis stated that this was the original proposal that had been brought to the Commission. Mr. Davis stated that the Tumwater Planning Commission has recommended approval of the revised boundary to the City Council. Tumwater staff has taken this recommendation to the City Council on March 2, 2010, and a public hearing before the Council has been scheduled for March 16, 2010. Mr. Davis stated that he will provide an update to the Commission on the public hearing at the March 17, 2010 meeting.

Mr. Davis explained the boundaries to the Commission. The Commission asked questions of Mr. Davis. The Commission asked if an additional public hearing should be held because of a change to the boundary. Mr. Davis explained that the City Council and the Board will be holding public hearings on this. A discussion ensued. The Commission agreed that Mr. Davis can move forward on the other revisions and Mr. Davis will provide any comments received at the City and Board public hearings at a future meeting. Mr. Davis will provide the times of the public hearings to the Commission.

7. **6:50 P.M. PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENTS**

*Staff: Jeremy Davis, Olivia Terwilleger*

Mr. Davis explained that a comment was received from Futurewise that included comments on a hearing previously held before the Commission. Mr. Davis asked if the Commission would like a redacted copy of the comment, removing the additional information because the public comment was submitted after the deadline. The Commission agreed to accept the redacted version of the Comment.
The Commission took a short break.

7:00 P.M. Chair Lane explained that the purpose for tonight’s public hearing is to include the following changes to the Comprehensive Plan: Housing and Homeless Encampments regulations, Natural Resources and Working Lands policy, Olympia Parks and Open Space Chapter, Lacey Joint Plan for Housing and Utilities, and Yelm Transportation Plan. Chair Lane explained how the public hearing will be held.

Chair Lane opened the public hearing at 7:00 p.m.

Housing & Homeless Encampment Regulations
Staff: Olivia Terwilleger

Ms. Terwilleger provided a brief overview of the proposed amendments to the Comprehensive (Comp) Plan Chapter 4 Housing to ensure consistency with the Housing Plan and address homeless encampments.

There was no public testimony.

Working Lands
Staff: Jeremy Davis

Mr. Davis provided a brief overview of the proposed amendment to the Comp Plan Chapter 3 Natural Resource Lands to facilitate proposed working lands plan.

Fred Colvin, 16816 Old Highway 99 SE

Good evening my name is Fred Colvin, address 16816 Old Highway 99 SE Tenino. I served on the Ag Committee which seemed like forever but I guess is has only been 20-25 years and it seems like we have been working forever on the Working Lands Strategy, also I think we have a good document something that I think will benefit, surely the Ag Committee of Thurston County but also everybody that lives in the county and values the heritage we have here in the County, values the quality of life we have. So, we have had public hearings, the Ag Committee has had public meetings, a focus group with some Ag producers, I think we got a good document and so the changes necessary in the Comp Plan, I would ask that you approve those. Thank You.

Chair Lane called the next guest on the sign in sheet Barbara Roberick but she declined to testify.

Raul De Leon, P.O. Box 244 Littlerock, WA

Mr. De Leon spoke but also turned in the exact public testimony that he read through. Mr. DeLeon’s written testimony is made an attachment to these minutes.

Jim Goche, 2402 Capitol Way South, Olympia

We thank you Mr. Chairman, members of the Committee my name is Jim Goche, we have a small family farm, which we have had for about five years. We are taking what is left of a century old farm just north of town and rehaving it as small acreage agrate business. We
have learned some lessons over the five years that we have been involved in this project. I would like to speak in favor of the proposal that’s before you and compliment the County Ag Committee for the work that it has done. I would also like to recommend to you either now or sometime in the near future that you look at a couple of other issues that are important to the preservation of farm land, the perpetuation of agriculture here in Thurston County, and I am speaking from first hand experience. First of all, I think I am an environmentalist for a long time, but one of the things that is dismaying is too often it seems like environmental considerations and agricultural considerations are seen as opponents. I would like to recommend to you a proposal that is before the State Legislature that the County entertains enacting a requirement for agriculture impact notes, so any time the County attempts to do something to favor the environment, to protect the environment they also are mindful of the agriculture interests that are involved. Secondly I would like to suggest to you that you take a hard look at the County Tax Policy which speaking from somebody who has just prevailed in an appeal before the tax board, the board of tax appeals at the state level, the record is a mess and the procedures are pushing land into residential development despite the county’s best intentions to the contrary. Presently the County Assessor, in my opinion, is misinterpreting the open space act taking the position that the only farms that can exist in Thurston County for tax purposes have to be in the open space program. According to the Department of Revenue this is a misinterpretation of the law. Secondly the Assessor ignores environmental regulation in assessing property. She distinguishes, for example, between designated wetland and wetland buffers, giving credit for one but not the other despite the requirements of state law and the County code. And I will be brief in my comments, third too often tax policy and administration assumes the land, if it is not in open space, is residential and it is taxed accordingly and the upshot is if you treat land like it is residential then you push it toward residential development because of the costs involved. I would alert you to the fact that this is the practices of Thurston County regards to tax policy have been sufficiently serious, that it has caught the attention of the State Farm Bureau they have issued a letter to the County Assessor and I would suggest that you all might want to take a look at that letter. In closing I would like to second Mr. De Leon’s comments that you look not only at preserving farmlands but also that you focus also on the farms and the farmers and their family’s that make them work and that way we can preserve and promote agriculture in Thurston County.

Rick Nelson, 3624 Waldrick Road, Olympia

Good evening. I am Rick Nelson Waldrick Road Olympia. I have a number of interesting proposals here such as an advocate for the agricultural community, this subject has been kicked around for a long time and I think that it is a good idea. And I would caution you that when it happens, but we can make certain that we hire someone that actually is from agriculture. You might find someone who you can hire who is a bureaucrat that couldn’t work with the farmers, might be able to work with the County staff, but couldn’t work with the farmers. Got to make sure that we keep that in mind. And other things such as purchase of development rights. I know that development rights, I’m sure the way that you have this scheduled would be to purchase development rights in perpetuity. I would suggest, as a land owner myself, I would be much more comfortable if I was to sell my development rights or perhaps lease them. Maybe there needs to be more than one plan, perhaps perpetuity as well as maybe a twenty year plan or a ten year plan or something like that because we don’t know what the future will bring. If you raise a certain crop and that market goes away, what you had was a viable farm perhaps now won’t be and so the ability to keep that in agriculture could certainly be compromised, and another thing is you need to remember that and ever tightening noose of over regulation and buffers and one thing or another that we have in the

Thurston County Planning Commission
March 3, 2010 Minutes
Growth Management Act is not helpful to agriculture. More regulations will mean less farms because it is not possible for a farmer to pass those costs on when you sell your product. You can't very well say "well you know the County cost me another five thousand dollars for me to run my operation this year so I have to build that into my cost". When you sell things as a commodity on the world wide market that just doesn't happen, they will just bring another load of whatever it is that you sell from Mexico or Brazil or something like that, so thank you.

Commissioner Fleisher asked if there would be a conflict if the agricultural advocate were a County employee. Mr. Nelson states that he felt that the County employee would lose his job if he did not advocate for agriculture.

Bruce Morgan, 17422 Old Highway 99 SE

Good evening, I am Bruce Morgan and I hail from a 240 acre timber farm down on the south end of Tilley, Prairie and Hillside. I moved to Thurston County, found this property ten years ago, it was a place that I used to hunt Falcon's back in the late 60's and 70's and I really thought that it was always going to be rural, but then as I got ready to build a home the ghetto came, Frog Hollow, and I had to deal with that. You know I truly support what you are doing here on these amendments and what you guys have done in Thurston County, but we have to be sure that each of these things is very tight when we do it. I was a land use attorney before retirement and I know that sometimes things like Frog Hollow fall through the cracks, enough money is paid to enough people and anything can happen, but we got to tighten the policies. We have to protect our agriculture land. I didn't move down here to be overrun by residential development, I didn't buy 240 acres to be overrun. I thought I had enough buffer, I didn't. How much do I have to buy to protect it? I read very carefully the clustering ordinance and yet I got a cluster right where the ordinance specifically said there would never be a cluster. It should have never been put right next to an arterial road, you know that was a prohibition but it was allowed. We do need a farm advocate, and I see the role of the farm advocate to respond more completely, is to help the farmer liaison with the County when you are going in for permits and stuff, that's really what it's all about, so that the advocate can explain what the County's rules are, what their current position is. That advocate's not going to set the policy for the County, but is going to be the person who can advocate for the farmer or at least explain it to the farmer that this is how their being, this is how they have to work with the system, this is what the system rules are and you know some of us are capable of handling that some of us aren't and most farmer's simply aren't. You know there aren't too many retired attorney's out there trying to farm. I had to take a case to the US Supreme Court in order to keep farming myself, farmers shouldn't have to do that but it is reality out there. I am also an environmentalist I mean my farming is to preserve white oaks, and to perpetuate and restore white oak areas. And yet we see County policy perhaps lying in the face of that, and that's the kind of thing I would like to see the advocate also helping us with. To look at it from the perspective of the farmers and what it really means when the County starts proposing to adopt new policies. I also believe that it is also not wrong to be giving these resource use notices, both for the timber and for the farming, and everything out there that's being farmed or can be farmed is a farm. If it hasn't been already overrun with residential development at a density that doesn't work for farming, then it's farming if it's out there in the rural country as far as I am concerned, and it should be taxed that way, and it should be regarded that way by the County. In summary I think that you guys are on the right track, certainly it would be great to have a transfer of density credit type
of program, but when we do it we got to make sure it works. I would hope that when you get in, that if it ever happens that we start getting funding for it that we'll have the Farm Bureau and the farm interest directly involved in that process and that it won't be simply a County driven policy process. It doesn't work unless it gets funded. We all know that it can't work today because it isn't funded but we had some major problems with the whole system in King County because we couldn't transfer beyond, you know, far enough away from the farm to really protect the farm. We were transferring to adjacent property and so we were already impacting the farm impersonally. So if we are going to get into that kind of program let's be darn sure that the density credits that were transferring get way into the urban area, don't let them come close to my farm. Thank you.

Olympia Parks
Staff: Jeremy Davis

Mr. Davis provided a brief overview of the proposed amendment to the Comp Plan for the City of Olympia and the Olympia UGA on how park fees are calculated. This item was first presented to the Planning Commission on June 7, 2009.

Jim Zahn, 3323 Yelm Highway SE

My name is Jim Zahn. I live at 3323 Yelm Highway SE, I oppose this new option of incorporating all the parks in the Growth Management Area. I will have to read the thing, incorporate the following policy into the City of Olympia Joint Plan as written defining the service areas of the community parks, open space and special use parks as being city wide and also including all of the city's UGA. For years this City has indicated where parks would be developed into the growth area and then all of a sudden there's a big change of, say, now the growth area is in the City's urban growth area the parks are going to be city wide and growth area wide. That's wrong thinking as far as I am concerned. We have a lot of growth out on the East Side of Olympia and a lot of apartments all around me. I have brand new apartment buildings going in. The situation has gotten to be kind of paramount as to what's happening with these people that come into these apartment buildings. Where do they go for parks? Now the City says, well you know, they took some kind of survey or something that said people drive to parks. So now what they did is they took all of the mitigation fees from these new developments and want to funnel them now into East Bay Drive Parks, you know, very expensive parks, West Bay Drive and perhaps even the Lacey, Olympia joint park and those are very expensive. So they have taken those mitigation fees and dumped it now into those and left some of these now new developing areas without those adequate parks. For instance I have a small farm out there on Yelm Highway and my farm now is being used for everything from running dogs to walking courses to jogging paths. They run across the strawberry fields you know, and I don't mind that too much if they let me know what they are doing, but we have strawberry pickers and whatnot come in you know and during the summer there's a lot of people but then during the winter or whatever we have these apartment buildings now are dumping more people into the area and just kind of running over the place. Cause why, there is nothing else for them, there is no other parks. There is a park off the corner of my property on Yelm Highway, it is an unimproved park, it is a neighborhood park. The City hasn't decided that they want to go ahead and buy these park areas, put money into buying up land for these future parks, yet they don't fund them for improvements, and they have taken these mitigation fees and gone elsewhere with them. So I just think that it is a bad idea to do this Citywide urban growth area wide and taking the mitigation fees away from the where the growth really is. Thank you.
Before Mr. Zahn sits Commissioner Fleisher asked Mr. Zahn if the apartment's he is speaking of is within the City of Tumwater. Mr. Zahn responds with the City of Olympia. Commissioner Fleitcher asked if they are within the City of Olympia itself. Mr. Zahn responds that no, they are within the growth Management area. Commissioner Fleitcher stated that they are in the UGA and not the City. Both say correct.

Lacey Joint Plan Use/Housing and Utility Elements
Staff: Jeremy Davis

Mr. Davis provided a brief overview of the several amendments to the City of Lacey Land Use, Housing and Utilities Elements that will affect the unincorporated portion of the Lacey Urban Growth Area.

There was no public testimony.

Yelm Transportation Plan
Staff: Jeremy Davis

Mr. Davis provided a brief overview of the update to the transportation plan that was introduced to the Planning Commission on September 16, 2009. Mr. Davis states that staff sent the proposed amendment to the Thurston County Public Works Department and no comments have been noted.

There was no public testimony.

7:51 P.M. Chair Lane closed the public hearing.

Staff and Commission discussed proposals and comments within the public hearing portion.

8. 8:00 P.M. WORKSESSION: ASPHALT PLANTS
Staff: Olivia Terwilleger

Ms. Terwilleger provided the changes that were made to the draft Asphalt Plant Special Use Permit and the Mineral Extraction Special Use Permit ordinance during the February 17, 2010 meeting. Ms. Terwilleger also handed out requested changes that were e-mailed to her from Commissioner Kohlenberg. The Commission and Ms. Terwilleger went over specific draft changes that were made by Deputy Prosecuting Attorney Jeff Fancher.

During the course of discussion Commissioner O’Connor asked James Essig, who was a member of the audience, what they usually fuel with (in regards to asphalt plants). Mr. Essig responded with they use propane or natural gas. The Commission and staff continued the discussion.

Mr. Clark briefed the Commission on the testing on RAP. The Commission asked questions of Mr. Clark. A discussion ensued. The staff and Commission agreed that having another hour for worksession to discuss the changes at the April 7, 2010 Planning Commission Meeting would be beneficial and would provide staff enough time to do more research.
9.  8:42 PM  ADJOURN

With there being no further business, Chair Lane adjourned the meeting at 8:51 p.m.

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Chris Lane, Chair

Prepared by Cami Petersen & Carrie Toebbe, Recording Secretary
Revised 4/20/10