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

Chair Lane called the April 11, 2012 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, Jennifer Davis, Scott Nelson, Chris Earle & Bill Jackson

**Absent:** Ed Fleisher, Kathleen O’Connor & Liz Kohlenberg

**Staff:** Scott Clark, Andrew Deffoobis & Jeremy Davis

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

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

Mr. Clark asked to move staff updated before public communications. It was also noted that there will be no discussion in regards to Shoreline Armoring or Biosolids this evening.

3. **6:31 P.M. STAFF UPDATES**

Mr. Clark provided the following staff updates:

- In regards to minutes and the inaudible sections, Ms. Toebbe went back and double checked the sections in question and the words still cannot be made out. A new recorder has been ordered that will include two microphones for better recording.

- A new Planner will be hired. The Planning Commissioner members were asked to sit on the volunteer panel during the interview process. Christine Spaulding, Bill Jackson and Chris Lane volunteered to be on the panel. The interview process should take place the first or second week in May. Forty-one people applied for the position and six will be interviewed.

- The Endangered Species Act/Habitat Conservation Plan. The State, Federal and County have come to an agreement on what the scope of work should be for the first phase of the habitat management plan. The final contract should be received very soon. There will be a couple different committees involved in this, a technical advisory committee and policy committee. This is the evaluation of possibly listing four species.

- Mr. Deffoobis stated that he received the DVD’s of the LLOT CEC Symposium. Copied were offered to the PC. This will also be airing on TCTV.
4. 6:38 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which public hearings have been held.)

No members were present in the audience to speak.

The official audio is available on line at:

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

5. 6:38 P.M. Work Session: CAO – Chapter 24.50 (Rebuilding after Natural Disasters, Existing Lot Development Exceptions); Reasonable Use Exception Criteria, Cluster (Density) Options; Further Review of Chapter 24.25 Fish & Wildlife Habitat

Staff: Andrew Deffobis, Scott Clark & Jeremy Davis

Mr. Deffobis started the work session. A memorandum was sent out to the PC about Rebuilding after a Natural Disaster. Essentially at the public hearing comment was received stating the language was too strict and then also saying the language was not strict enough. The comments were summarized on the first page of the memorandum. Staff included what the draft language is and also what the current language is so that it could be compared. The draft points out that rebuilding in frequently flooded areas follows a different process which is true now but makes it more apparent. It also clarifies that structures that are voluntarily destroyed or if someone wants to voluntarily want to relocate is covered under a different section and then staff added the requirement to restore the original building site if the structure does end up being moved back. Staff does not have any specific changes on the language but since a number of people commented on it staff wanted to bring it forward one more time to see if the PC wanted to make any changes to the proposal.

Commissioner Earle wanted to suggest that the time limit be changed to two years. His concern is having your home destroyed is a traumatic experience and can take awhile to get your life back together after such an event. It also takes awhile to get development permit material together for rebuilding. In many cases a year is very optimistic. Staff will be checking with the prosecuting attorney to see if there is any specific reason why the time limit is one year but if not a two year time period will be put in the recommendation. Commissioner Spaulding also had the same concern especially if it is a large natural disaster. Commissioner Jackson would like to see some provision written in as well that makes the home owner responsible for securing the home so it does not become a derelict building which could become a nuisance to the neighborhood or a danger. This could be a general problem and might already be covered in a different section so staff will be looking into finding a reference.

MOTION: Commissioner Spaulding made a motion to suggest a time limit of twenty-four months instead of 12 months. Commissioner Nelson seconded. Motion carried. One opposed
Staff will still be checking with legal counsel just to make sure this is a policy decision.

Commissioner Nelson then asked if on letter E if we were requiring restoration if the house is moved. Staff answered with yes. Commissioner Nelson requested that a discussion take place with the prosecuting attorney because there is a court decision currently that says we cannot require restoration in something that is already degraded.

Mr. Davis then started a discussion on Existing Lot Criteria and Development Regulation Exceptions. A new memorandum was passed out to the PC this evening because over the past week because staff reviewed the proposed criteria for the single family exception with the reasonable use criteria and found that the single family exception use was lacking two of them. The proposal includes the two and is within the new memorandum for the PC to review. The first is number three on the front page of the memo and reads; that they have the reasonable use criteria but the location and scale of the existing development on surrounding properties shall not be the basis for granting it, you can surely consider it but it wouldn’t be the basis for making a decision. Then also the self created hardship provision that’s in the reasonable use criteria meaning that you don’t get to create your own hardship through a subdivision boundary lot line.

The existing regulations were also reviewed by Mr. Davis in Chapter 17.15 which then refers back to 20.07. An italicized copy was provided for the PC. The current critical area administrative variance approvals were also reviewed. There have been 42 decisions for administrative variances in the last 2 years, 2 were denied and then the hearings examiner overturned one of those denials. One of the decisions was included in the PC packet of one of the denied applications. All of the 8 examples that were given to the PC were approved with conditions. The conditions usually include revegetation and following the geotech report which are standard conditions. The site plan is usually attached to the approval letter. Mr. Davis included some suggested amendments within the memorandum. They include adding the two criteria that are on the first page of the memorandum. Through the document buildable area was changed to development site and clarified for the single family exemption that you have to get that exemption through a critical area review permit. Staff asked that the PC read through the information and send any questions or comments to them before the next meeting so that it can be brought back at the next meeting for decision.

A short discussion in regards to the 5,000 square feet buffer being reduced to 3,500 square feet took place. The biggest concern is that one staff could get challenged on this ruling because the buffer is bigger than most and that an average home is around 2,200 square feet but when you add in a driveway, yard ext. the 3,500 square foot buffer would probably be exceeded. The reason why this buffer is being looked at again is because staff is trying to accommodate a single family development without going through a reasonable use exception because that is the only other alternative.

**MOTION:** Commissioner Kohlenberg made a motion to accept staff’s recommendation of a 3,500 square foot buffer in the buildable area. No second was made.
MOTION: Commissioner Earle moved to accept proposed staff edits to section 24.50.060 accept limiting the building exception to a maximum of 5,000 square feet. Commissioner Nelson seconded. Commissioners Spaulding, Jackson, Nelson, Lane and Earle are in favor of 5,000 square feet. Commissioners Kohlenberg and Davis were opposed. Motion carried.

Cluster Density Options were then discussed by Mr. Davis. At a previous PC meeting the PC had decided to impose the new wetland size for reducing densities. The PC did vote against it. One thing that has been discussed is allowing people if they did a cluster development to relieve them of those density reductions. Staff is now bringing this option to the PC to see if they would like to move forward with it or not.

MOTION: Commissioner Davis moved that we go forward with Option Number Two outlined in the staff memorandum including the language for the purposes of calculating density the documentary of a wetland shall not be subtracted from the parcel area if the parcel owner opts to do a PRRD or a deferred PRD as well. Commissioner Nelson seconded. Motion carried.

Fish and Wildlife Habitat Conservation Areas were then discussed by Mr. Deffobis including the status of where staff is to be able to bring more information back to the PC. Staff will be checking the status of the species that are listed in the tables to report back to the PC. A few definitions will also be worked on including public comments from the public hearing. The review process itself is primarily what staff has been working on including building the survey and critical area report into the administrative procedures chapter with links to other chapters. The language for the 600 feet as a review area is being updated essentially separating out the paragraph in the special reports chapter that says if you have habitat or species on your property you have to submit these reports. Then the requirement for the review area is now a separate sentence that says if there is a point location of the species within 600 feet of the area you may be required to submit something based on the nature of development or what the actual species is. Mr. Deffobis has also been working on syncing what staff terms now habitat management plan with the special reports for fish and wildlife habitat areas. So far what staff has discussed is the word habitat management plan that was within the draft has been tweaked to say that critical area reports that pertain to fish and wildlife habitat conservation areas may also be referred to as habitat management plans. The example land use table that was also worked on by staff was given out to the PC this evening. Some input from the PC before was added. The table has been changed to reflect A for allowed subject to standards, P allowed subject to standards and critical areas permit and X still means prohibited.

6. 7:26 P.M., CALENDAR

April 18, 2012 – Chair Lane will not be in attendance. Commissioner O’Connor is unsure.
7. **7:26 PM ADJOURN**

With there being no further business, Chair Lane adjourned the meeting at 7:26 p.m.

Chris Lane, Chair

Prepared by Carrie Toebbe, Recording Secretary