1. **6:30 P.M. CALL TO ORDER**
Chair Lane called the February 20, 2013 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, Bill Jackson, Christine Spaulding, Christopher Earle, Edward Fleisher, Jennifer Davis & Donna Nickerson

**Absent:** None

**Staff:** Scott Clark, Jeremy Davis and Christy Osborn

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

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

3. **6:30 P.M. APPROVAL OF MINUTES**

**Commissioner O’Connor moved to approve the April 18, 2012 minutes and accept the audio as the official record. Commissioner Nelson seconded. Motion carried as amended.**

Page 1 change the words “that is a problem to stick with” to make better sense.

**Commissioner O’Connor moved to approve the May 2, 2012 minutes and accept the audio as the official record. Commissioner Nelson seconded. Motion carried as amended.**

Throughout the document change the word ORCA to ORCAA.

**Commissioner O’Connor moved to approve the May 9, 2012 minutes and accept the audio as the official record. Commissioner Nelson seconded. Motion carried.**

**Commissioner O’Connor moved to approve the June 6, 2012 minutes and accept the audio as the official record. Commissioner Nelson seconded. Motion carried.**

**Commissioner O’Connor moved to approve the June 20, 2012 minutes and accept the audio as the official record. Commissioner Nelson seconded. Motion carried.**
Mr. Clark provided the following staff updates:

- Mr. Clark and Commissioner Jackson have been discussing having a Planning Commission/BOCC dinner and recognition ceremony to honor past PC members that have served their term or longer. After discussion a buffet type style dinner with each PC member paying for their own dinner and/or a guest was the consensus. Different restaurant suggestions were given Mr. Clark to research and the dates of either the 21st or 28th of March. A plaque for the PC member’s recognition was also suggested. More details will be discussed at the next PC meeting. Tom Cole, Liz Kohlenberg and Joyce Roper names were brought up as PC members that should be honored for their service.

- A new Planning Commissioner will be taking Liz Kohlenber’s position. Her name is Donna Nickerson and was appointed by Commissioner Romero. Commissioner Nickerson starts this evening and was introduced to the rest of the PC.

- The preliminary docket has been published with around twenty items that are going out for public comment. After twenty days the public comment is reviewed and summarized then taken before the BOCC on March 20, 2013. The deadline for public comment is March 12th at 5:00 p.m. The PC will be working on the Habitat Conservation Plan because it is federally funded and it needs to be completed fairly quickly. Shorelines will come in the second half of the year. The Grand Mound County Urban Growth Area is a difficult area and also will be reviewed.

Commissioner Nelson asked Mr. Clark what the broader items on the docket were and if he could list them for the PC. The items that are elective in nature are Grand Mound Sub Area Plan, Comprehensive Plan Methods of Public Participation, Transfer of Development Rights Program and Watershed Science to Local Policy is also elective but federally funded. The County is taking these projects on due to mandate federal funding or BOCC initiative. Interjurisdictional amendments which is when another jurisdiction has petitioned to do; City of Tumwater Land Use Plan and Text Amendment which looks at rezoning a commercial area that was formally part of the Salmon Creek Basin or is in the Salmon Creek Basin that never got properly rezoned. The City of Olympia Ken Lake Urban Growth Area resizing and Land Use Analysis has been petitioned. Then the City of Olympia Comp Plan Title 20.16 update may or may not come due to underfunding within the City. The City of Rainier’s UGA Resizing and Land Use Plan Amendment may also come. The other items are either site specific or citizen initiated. The list is also available on line with a detailed explanation of each item.

Commissioner Nelson stated that in the past the PC would not necessarily make a formal recommendation but would make a suggestion to the BOCC what they thought the priorities of the docket should be for the year. It has been a long time since this has happened and Mr. Clark thought that might be a good idea to start again in the process. At the next PC meeting before the docket is discussed with
the BOCC the PC will have an agenda item that will discuss this option and the
docket items.

5. **6:54 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which
public hearings have been held.)**

1. *Jim Zahn – 3323 Yelm Highway SE Olympia, WA 98501 – Spoke in regards to
down zoning his own property.*

2. *Lloyd Goodwin – 2131 Lakemoor Drive SW Olympia, WA 98512 – Spoke in
regards to the Ken Lake Work Session. Mr. Goodwin is the president of the
Ken Lake home owners association.*

The official audio is available on line at:

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

6. **7:00 P.M. ELECTION PROCESS DISCUSSION**

Mr. Clark talked with the PC about electing officers and the normal process of electing a
Chair and Vice-Chair. The PC asked the current chair and vice chair holders if they were
still interested in being the same position. Commissioners Davis and O’Conner will be
contacting each member before the next scheduled PC meeting and see what they would
like to see happen. Once the options are put together the entire PC will vote on each
suggested option. Chair Lane did state that he preferred not to be chair another year but
remain within the commission as a member. Commissioner Davis will not be in
attendance at the next scheduled PC meeting so will be sending her compiled information
via e-mail to staff and Commissioner O’Connor to combine the results.

7. **7:04 P.M. WORK SESSION: Ken Lake**

Mr. Davis started the discussion in regards to the Ken Lake UGA Resizing and land use
analysis. In October 2010, the City of Olympia sent a memorandum to the County
requesting that the County reconsider the zoning for the study area. (Study area is
referenced within a map provided during the meeting and online). The City had recently
instituted interim zoning on its property to the south to change it from a residential 4 acre
zoning to a residential 2 to 4 acre zoning under the City’s zoning code. In December
2010 the BOCC approved interim ordinance number 14443 which changed the zoning for
the study area RLI 2-4 or residential low impact 2 to 4 units per acre from the residential
4 unit per acre zoning. The BOCC held a public hearing on this in January 2011 and
upheld the decision and also added it to the Comprehensive Plan Amendment Docket at
the time. The R4 zoning district allows 35% ground cover and has no minimum
impervious surface coverage. The RLI zoning district limits development and
impervious surface coverage even more than the R4 zoning district. The RLI also has a
density minimum of 2 units and a maximum of 4 units with an impervious surface
coverage of 40%. When you have an RLI subdivision you have to dedicate 60% of the
property to a tree tract or open space tract. The City’s RLI zoning district limits
impervious surface coverage to 2500 square feet and the County’s does 40%.
Details involving access and development around the site were discussed including the options which were:

1. Leave Current R-4 land use and zoning in place.
2. Redesignate and rezone to RLI 2-4 and amend impervious surface limits to be consistent with City standards. This would impact Green Cove as well but most of the lots there have been developed.
3. Remove study area from the UGA and redesignate to a rural zone.

Mr. Davis did also suggest adding a fourth option of keeping it within the UGA but redesignate to 1-5 until a basin study is done like what was done with Chambers Basin.

Commissioner O’Connor asked that a map of each option be created and Commissioner Fleisher suggested any hydrological studies that have been done as well. Breaking down each option with what the City has would be helpful as well.

A more in depth staff analysis will be brought back to the PC in the next couple of months.

8. **7:20 P.M. HCP UPDATE**

Thurston County has received funding for the first two years of Habitat Conservation Plan (HCP) development for its prairie habitat, and has applied for a third year of funding. A HCP is developed for species listed under the federal Endangered Species Act and typically takes three to seven years to complete. A HCP determines what threats and opportunities are present for species, what level of impact is acceptable without permanently jeopardizing species or habitat, and how local land use permitting can continue. Congress intended that “this process reduce conflicts between listed species and economic development activities and to provide a framework that would encourage creative partnerships between the public and private sectors and state, municipal, and Federal agencies in the interests of endangered and threatened species and habitat conservation (H.R. Rep. No. 97-835, 97th Congress, Second Session)”

Through the interim prairie ordinance, and subsequent adoption of the Critical Areas Ordinance (CAO), Thurston County has sought to protect prairie habitat and ecosystems as systems, as opposed to a species-by-species approach. The county seeks to continue this precedent through the HCP as it is considered a regional and multi species HCP. Advantages of a regional multi-species HCP are:

(1) it maximizes flexibility and options in developing mitigation programs;
(2) reduces the economic and logistic burden of these programs on individual landowners by distributing their impacts;
(3) reduces uncoordinated decision making, which can result in incremental habitat loss and inefficient project review;

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(4) provides the permittee with long term planning assurances and increases the
number of species for which such assurances can be given;
(5) brings a broad range of species under the permit’s protection, and
(6) reduces the regulatory burden of ESA compliance for all affected participants.

Given the size of the area being analyzed, the number of property owners affected, and
the potential number of jurisdictions involved, the HCP is an effort equivalent to the
CAO. Once completed, however, the HCP will provide long-term federal assurances for
permitted activities for a period of thirty to fifty years, thus ensuring protection of the
habitat and species, long-term certainty in land use and economic development, and local
government control of land use regulations. Once the terms and conditions of a HCP are
set, the federal government cannot add additional conditions for the period of the permit.

South Puget Sound prairies and Oregon white oak woodlands are some of the rarest
habitats in the United States, and are rapidly vanishing. Today, only about 10% of the
original South Puget Sound prairie remains; of that, less than 3% is considered high-
quality prairie habitat. Much of the remaining prairie habitat in the South Sound area is
in Thurston County and on Joint Base Lewis-McCord.

The decline in the quantity and quality of prairie habitat has resulted in imperiled
populations for most prairie-dependent species. Continued fragmentation of remaining
habitats is likely without the creation and implementation of a conservation plan. Some of
the most imperiled species threatened by the loss of prairies are:

- Golden paintbrush, a native plant once found on Northwest prairie
  grasslands from British Columbia to the Willamette Valley of Oregon.
  This flowering plant is known to exist in only 11 locations in the
  world, including one population found on a South Puget Sound prairie.

- Taylor’s checkerspot, a native butterfly that was once widespread
  throughout prairies in association with golden paintbrush. Taylor’s
  checkerspot is proposed to be federally listed as an endangered
  species. In South Puget Sound, this species survives at only two
  locations: one location is where the butterfly naturally occurs, and the
  other location is a former site where it has been reintroduced.

- Streaked horned lark, a native bird found in prairies, grasslands, and
  other sparsely vegetated areas. This species is found at only a few
  locations. The northernmost known population occurs on Joint Base
  Lewis-McCord.

- The Mazama pocket gopher, a native mammal. In the south Puget Sound area,
  two of nine subpopulations of Mazama pocket gopher have become extinct
  since the 1940s, and four subspecies of the gopher were recently proposed to
  be federally listed as threatened under the Endangered Species Act.
Regulation of Prairie Habitat - Conservation to date

Thurston County has regulated prairie habitat and species in its CAO since 1994. The CAO protections were amended in 1996 to revise the definition of “Native outwash prairies,” add a list of diagnostic plant species for prairie habitat, and clarify that prairie habitat may contain non-native species.

Renewed efforts have recently been undertaken to address prairie and Oregon white oak protection. In 2009, the Board of County Commissioners adopted Interim Ordinance No. 14260, which strengthened protections for prairie and Oregon white oak habitat in consideration of best available science. The county worked with the U.S. Fish and Wildlife Service and Washington Department of Fish and Wildlife to include an up-to-date definition of prairie habitat and to delineate soils where prairie habitat is likely to occur.

Thurston County’s interim prairie conservation ordinance was originally adopted for a period of one year and was renewed several times since. In July 2010, the ordinance was renewed and amended, including revisions to the prairie soils list and changes to administrative language to increase internal consistency. Since July 2010, the interim prairie ordinance was renewed on a six-month basis until completion of the County’s CAO update, which made the interim prairie protections permanent in July 2012.

In addition to regulation, Thurston County conserves prairies through parks and conservation futures. Examples of this are Glacial Heritage Park and recent action by the Board of County Commissioners to allocate between $400,000 to $800,000 for conservation futures on the Mahan properties, which is predominantly prairie habitat.

The federal government is an active partner in prairie protections. Presently, about two-thirds of the areas proposed as federal critical habitat are located on Joint Base Lewis McChord. The single largest population of Taylor checkerspot butterfly is on JBLM as well as critical habitat for the Streaked horned lark. JBLM has adopted programs to mitigate impacts to prairie habitat such as reintroducing butterflies and modifying training practices. JBLM supports a collaborative grant application between Thurston County, the Center for Natural Lands Management, Puget Sound Partnership, Natural Resources Conservation Service, US Fish and Wildlife Service, and Veterans Corp. The grant is known as the Readiness Environmental Protection Initiative (REPI). REPI funds would be used for developing prairie conservation actions to protect prairies and allow JBLM to continue its training mission.

Habitat Conservation Plan

Thurston County has been working with the U.S. Fish and Wildlife Service on prairie issues since 2009. This has included work on the development of a Habitat Conservation

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2 In 1995, the Growth Management Act was amended to require the use of best available science in updating critical area protections. The state provides guidance for determining sources of best available science in Chapter 365-195 WAC.
Plan (HCP). A HCP is required for any entity proposing incidental take (e.g. harm) of a federally listed species or its habitat. The plan quantifies the impact a proposed action will have, outlines mitigation and other conservation strategies, and ultimately, if approved, results in an incidental take permit (Section 10 permit) from U.S. Fish and Wildlife Service. HCPs can also cover species that are not officially listed in order to jump start conservation efforts for imperiled species and to increase regulatory certainty.

In Thurston County’s case, County staff has been working with the Service on a HCP for prairie habitat and species since 2010. As mentioned above, the Service is considering listing three prairie species under the federal Endangered Species Act. The HCP will cover impacts to and provide for conservation of the three species for which proposed rules were recently issued (streaked horned lark, Taylor’s checkerspot butterfly, and Mazama pocket gopher). In addition, the HCP will cover more than a dozen other prairie plant and animal species that are either candidates for federal protection or are already considered endangered or threatened by state or federal law. For the complete list of species proposed for coverage by the HCP, please see Attachment 1.

To date, the County has been awarded $1.2 million in federal funds to develop a HCP, and has applied for a third round of funding. The intent is to craft a HCP that covers incidental take for the types of activities the county issues permits for or conducts in the course of its normal business.

**HCP Development - Parallel Track Approach**

The Section 10 process under the ESA recognizes that “species conservation is of course paramount.” It also “recognizes the importance of both biological and economic factors”. The first track in this approach is the interim permitting strategy.

*Track 1, Interim Permitting Strategy*

The main goal of the interim permitting strategy is a seamless transition from current regulation of prairie habitat and species to an approach that will a) continue to foster certainty in land use and economic development, b) allow land use regulation to remain local, and c) ultimately advance conservation of prairie habitat and species.

Discussions with the Service and conservation partners suggest using a credit/debit methodology to implement the interim permitting strategy. This methodology would enable public and private development proposals to mitigate development on prairies in areas where development in slated to occur, such as the Grand Mound Urban Growth Area, and mitigate those impacts through the acquisition and restoration of prairie lands in rural Thurston County. The county would seek professional services, funded by the grant, to develop the methodology. The intent being that the methodology would be in effect in fall of 2013, prior to the proposed rules for the three prairie species going into effect. This strategy is a pilot, and could potentially apply to other jurisdictions should they decide to participate in the HCP.

*Track 2, Broader HCP*
Ongoing efforts on the broader HCP constitute the second track of Thurston County’s Prairie Habitat Conservation Strategy. Thurston County is working closely with the Service on the development of the County’s HCP. The following are typical elements included in a HCP:

1. **Covered Activities** – those activities for which the county issues permits and is seeking coverage under an incidental take permit

2. **Environmental Setting and Biological Resources**

3. **Biological Take and Impacts Assessment** – analysis of expected development trends and quantification of expected impacts to prairie species over the duration of the HCP (proposed to be 30-50 years in Thurston County’s HCP)

4. **Conservation Measures** – what tools are available or can be developed or strengthened to aid in species conservation. Examples include but are not limited to purchase of development rights and conservation banking, rezoning, and amendments to development code.

5. **Funding** – outlines how conservation measures and implementation of HCP will be funded over time.

**Inter-Jurisdictional Participation**

The Prairie Habitat Suitability Index suggests that there is viable prairie habitat in the following jurisdictions and/or their Urban Growth Areas: Lacey, Olympia, Tumwater, Yelm, Tenino, Rainier, and Bucoda. In many cases the habitat, while still viable, is fragmented, surrounded by urban development or is proposed to have development occur. Once the proposed rules go into effect, disturbance of these habitat fragments may require mitigation. It is likely that neither urban densities nor effective mitigation would be achieved with onsite mitigation. As a result, development proponents will likely need to seek offsite mitigation sites which will primarily be located in unincorporated Thurston County. Additionally, there may be areas of prairie habitat that are of such quality that avoidance and minimization is the preferred option. In these cases, other conservation and land use methods such as zoning, or realignment of some areas of the county’s urban growth areas (UGA) may be necessary.

Other jurisdictions in Thurston County have the option of pursuing conservation strategies similar to Thurston County’s Habitat Conservation Plan. U.S. Fish and Wildlife Service is currently meeting with jurisdictions to discuss their options for amendments to their permitting and operating procedures in the face of anticipated federal listing of three prairie species.

**Future Work Plan**

Staff will continue working on several tasks related to the overall HCP. Staff will organize and hold a series of open houses in the second quarter of 2013 to provide
information to the community on the HCP and to gather initial feedback on issues and opportunities. Staff has been working with U.S. Fish and Wildlife Service to begin scoping documents for required National Environmental Policy Act review of the HCP project. Staff will continue to develop and draft background information that goes into the HCP and will be forming advisory groups to help steer the HCP process.

A staff draft of the HCP should be completed in the first quarter of 2014, with Planning Commission review beginning shortly thereafter. The Planning Commission will hold a public hearing and issue a recommendation to the Board of County Commissioners. Board review of the HCP is anticipated to begin in late 2014. After the Board’s own public hearing, staff will prepare the HCP for county adoption. Staff currently anticipates bringing the HCP to the Board for adoption in Spring 2015. After county adoption, staff will package the HCP for official submittal to U.S. Fish and Wildlife Service. Once the HCP is deemed to contain all the necessary elements for effective species conservation, the Service will issue an incidental take permit to the county.

Ultimately, issuance of an incidental take permit from U.S. Fish and Wildlife Service indicates the Service has the assurance it needs that species will be protected in perpetuity by the county’s actions. This means that land use decisions will remain local. Due to the plan’s long-term nature (30-50 years), a completed HCP will provide long-term certainty in economic development.

A short discussion ensued about the ideas and conservation measures might look like for the County and private property owners.

9.  **7:50 P.M. CALENDAR**

March 6, 2012 – Commissioner Davis will not be in attendance.

10. **7:50 PM ADJOURN**

With there being no further business, Chair Lane adjourned the meeting at 7:50 p.m.

Chris Lane, Chair

Prepared by Carrie Toebbe, Recording Secretary