



THURSTON COUNTY PLANNING COMMISSION

Minutes April 17, 2024

1
2 **1. 6:31 P.M. CALL TO ORDER**

3 Chair Day called the Thurston County Planning Commission meeting on April 17, 2024,
4 to order at 6:31 P.M. Commissioners provided self-introductions.
5

6 **Attendance:** Derek Day (Chair), Kevin Pestinger, Scott Nelson, Barry Halverson, Daniel
7 Bumbarger, Sandy Kaiser, Eric Casino, Colin Bartlett, Bill Fishburn
8

9 **Not In Attendance:** Joel Hansen (Excused)
10

11 **Thurston Staff:** Ana Rodriguez, Associate Planner; Andrew Boughan, Interim Senior
12 Planner; Ashley Arai, Community Planning Manager.
13

14 **2. 6:33 P.M. APPROVAL OF AGENDA**

15
16 **MOTION: Commissioner Halverson moved to approve the agenda. Commissioner**
17 **Pestinger seconded. The motion passed unanimously with a voice vote.**
18

19 **3. 6:36 P.M. APPROVAL OF MINUTES**

20
21 **MOTION: Commissioner Bumbarger moved to approve the amended April 3, 2024**
22 **minutes. Commissioner Bartlett seconded. The motion passed unanimously with a**
23 **voice vote.**
24

25 The audio recording is the official record of the above-dated meeting. The infor-
26 mation herein is provided as an overview of the meeting and a road map to the audio
27 recording. Audio is available online on the [Thurston County Planning Commission](#)
28 website.
29

30 **4. 6:38 P.M. PUBLIC COMMUNICATIONS (Not associated with topics for which
31 public hearings have been held.)**
32

- 33 1. Loretta Seppanen, Olympia, WA
34 2. Jon Pettit, Olympia, WA
35

36 **New Business**
37

38 **5. 6:47 P.M. WORK SESSION #1: Less Restrictive Alternative (LRA) Community Hous-**
39 **ing Code Update**

40 (Staff: Ana Rodriguez)
41

42 Ms. Rodriguez introduced the Less Restrictive Alternative Community Housing project.

1 Commissioner Kaiser asked for an overview of the April 2023 LRA proposal. Ms. Arai
2 said the previous application was for an LRA facility in Tenino. The project did not pro-
3 vide notice to the County or the community. The house was unequipped utility-wise to
4 house multi-residence. State law does not prohibit the County from enforcing building life
5 safety standards. The septic and water systems were not designed to accommodate this fa-
6 cility and would require upgrades before use. The BoCC approached this topic on two
7 fronts: one at the state legislative track and the second at enacting local control. The legis-
8 lative initiative did not get traction this past session.

9
10 Commissioner Pestinger acknowledged the inability to change state language and believed
11 the wording "community housing" was misleading. He asked if the name could change.
12 Mr. Boughan replied that he did not think so. The state refers to it as Less Restrictive Al-
13 ternative Community Housing, which should be the title used to align with state law. Mr.
14 Boughan stated that minor changes could be made to the project description, which would
15 help make the project more transparent to the public and inform them of the state law cri-
16 teria for an LRA. The commissioners and staff had further discussions surrounding the
17 ambiguity of the ordinance title.

18
19 Commissioner Pestinger wanted clarification about a special use involving the hearing ex-
20 aminer. Ms. Rodriguez said nothing had changed. The language ensures the permit will go
21 through the hearings examiner process, including specific public notice requirements out-
22 lined in the Thurston County Code.

23
24 Commissioner Casino asked if possessing an approved public water supply meant the es-
25 tablishment would need to utilize city water and not a well. Mr. Boughan stated it could be
26 either; the health department would be the approving body. Ms. Arai added that the type
27 of application would be a change of use from a permitting standpoint. So, even if the
28 structure is a single-family home, it will be treated as a change of use to a commercial op-
29 eration.

30
31 Commissioner Pestinger, referring to the previous public feedback received from the April
32 2023 project, asked if there was feedback the Planning Commission needed to be aware
33 of. Mr. Boughan stated that the big takeaway was the need for more information on the
34 proposal. He continued that going through the hearing examiner's process would require
35 that information be known and informing the public through a notice on site, a mailed no-
36 tice to adjacent property owners, a legal notice, and a public hearing. Commissioner
37 Pestinger asked if the sellers would get notified of what type of business the property
38 would be used for. Ms. Arai stated that the staff would treat the permit as a change of use.
39 The seller's interaction with the buyer is outside the staff's purview.

40
41 Chair Day said that a special use permit would be triggered if residential use was con-
42 verted to commercial use, but what if it was already commercial? Ms. Arai stated that re-
43 gardless of land use, the change of use status would trigger a review. Mr. Boughan added
44 that it should also trigger public health for review. Chair Day asked if the staff was posi-
45 tive that none would slip through the cracks. Ms. Arai stated that the county would need to
46 be notified of a use change. Mr. Boughan added that as part of the contractual agreement,
47 the state will require the applicant to check that they meet the local requirements. This
48 would include completing a hearing examiner process. Commissioner Day asked if the

1 county decided to create measures above the state requirements, what the enforcement
2 would be, and how the permittee would respond. Mr. Boughan stated that the Prosecuting
3 Attorney's Office had developed the regulations to ensure defensibility in court. If we ex-
4 panded beyond those set parameters, the permittee could appeal the decision in a superior
5 court. Ms. Arai added that the exact situation happened in Kitsap County. Kitsap wanted
6 to limit the land use only in industrial areas to limit their scope, and the superior court
7 ruled that you could not restrict the location of such residential facilities as a part of the
8 WA Fair Housing Act. That is why staff included all the zones that permit residential use.

9
10 Commissioner Bartlett related the LRA use to other residential business-type systems such
11 as adult group homes or Airbnb. Ms. Arai stated that the special use table is inclusive, and
12 adult group homes are in a different use category. Commissioner Bumbarger mentioned
13 looking up the definition of less restrictive, stating it meant anything other than total con-
14 finement in the RCW.

15
16 Commissioner Nelson asked about the siting requirements. Mr. Boughan stated in the
17 state's contract that those are questions the applicants would have to prove they are meet-
18 ing in conformance with the Department of Corrections.

19
20 Commissioner Casino brought up the need to hear from the public sooner rather than later
21 because there are so many questions the Planning Commissioners needed answers to.

22
23 **Commissioner Casino motioned to set a public hearing on May 15, 2024, to hear pub-**
24 **lic testimony on the Less Restrictive Alternative Community Housing Code Update.**
25 **Commissioner Pestinger seconded the motion. The motion passed unanimously.**

26
27 Commissioner Bartlett, Pestinger, and Kaiser discussed the time the community would
28 have to show up and comment. Further discussion occurred regarding the timeline of no-
29 ticing and being transparent with the community based on their previous experience. Satis-
30 fied with the staff's answer, Commissioner Casino amended the motion to set a public
31 hearing on June 5, 2024. No further discussion took place regarding the amended motion.

32
33 **Commissioner Casino motioned to amend the previous motion to set a public hearing**
34 **on June 5, 2024, to hear public testimony on the Less Restrictive Alternative Com-**
35 **munity Housing Code Update. Chair Day took a voice vote to amend the original mo-**
36 **tion. The motion passed unanimously.**

37
38 Staff asked for clarity on the direction for the following work session and if the Planning
39 Commission wanted it. A discussion occurred about the second work session for the pub-
40 lic and then the public hearing.

41 42 **Continued Business**

- 43
44 6. **7:32 P.M. WORK SESSION #13 Thurston 2045- Capital Facilities (Chapter 6) &**
45 **Utilities (Chapter 7)**
46 *(Staff: Ana Rodriguez, Andrew Boughan)*
47

1 Mr. Boughan and Ms. Rodriguez presented the Comprehensive Plan's Capital Facilities and
2 Utility chapters.

3
4 Commissioner Pestinger asked what staff felt about the public comment received at the be-
5 ginning of the meeting. Ms. Rodriguez stated that the public comment was well-stated and
6 had good feedback. She mentioned that her focus was on what had already been in place.
7 After that, she would take input from the Planning Commission and public comments on
8 what innovative ideas could be included in the chapter. Commissioner Pestinger stated he
9 felt the comment applied to capital facilities but seemed to apply to the capital facility and
10 utilities chapters. Ms. Rodriguez replied in her experience, the two chapters are combined
11 in most jurisdictions. Mr. Boughan stated that before moving forward with changes to this
12 chapter, staff must ensure consistency across all chapters in how demographics are high-
13 lighted.

14
15 Commissioner Casino referred to the level of service and reflected on a previous PC mem-
16 ber's view on road set-asides. He asked what chapter those should belong in. Mr. Boughan
17 replied that he believed it should fall in the transportation chapter and could fall under
18 TRPC since they look at the region holistically.

19
20 Commissioner Bartlett led a conversation about treating stormwater runoff from roads. He
21 wanted to ensure consistency throughout the chapters when runoff management was dis-
22 cussed. Ms. Arai stated that the stormwater piece would be challenging to keep updated
23 during this cycle of the Comprehensive Plan update because Public Works is concurrently
24 leading a comprehensive stormwater study to conduct specific climate data efforts sur-
25 rounding stormwater. The placeholders listed in the Utilities chapter will be updated by
26 staff when the data is final.

27
28 Commissioner Casino asked what economic conditions will impact Capital Facilities since
29 you can't use the impact fees to pay for M&O and only service expansion. Mr. Boughan
30 stated he believed it would be more of expanding facilities to meet new development de-
31 mands. When there is a slowdown in building, there is a slowdown in the collection of im-
32 pact fees. The impact fees are a piece of the total funding for some transportation projects;
33 however, the rest would come from other funding sources, including the county road fund.
34 Further conversations took place about when impact fees are collected.

35
36 Commissioner Casino, referring to Objective 1C Environmental Impacts Policy 1, page 66,
37 looked like the county is moving from unavoidable adverse impacts that will be mitigated
38 to unavoidable adverse impacts that should be mitigated. His point is that if there are inevi-
39 table adverse environmental impacts, the policy should state the need to mitigate them. Fur-
40 ther conversation occurred regarding conditional language in the policies and the ecological
41 impact conditional language could have in the future.

42
43 Commissioner Casino led a conversation on removing the Capital Improvement Program
44 from the Comprehensive Plan. He acknowledged that the Capital Facilities Program, by
45 state law, needed to remain; however, the CIP doesn't require oversight by the Planning
46 Commission. Mr. Boughan explained that the CIP is included in the Comprehensive Plan.
47 Commissioner Casino mentioned the idea of a potential motion. Commissioner Bumbarger

mentioned the benefits of directing the public comment to where it will be the most impactful. Ms. Arai stated that the CIP would be run through the Planning Commission for the next two years because it had been put on the docket. Chair Day called for discussion and asked for a voice vote.

Commissioner Casino moved to remove the Capital Improvement Program from the Planning Commission's Purview. Commissioner Pestinger seconded the motion. The motion passed unanimously with a voice vote.

Chair Day mentioned section 4 of the Capital Facilities Summary sections A through F, and how each topic appeared siloed. In his experience, they are not as separated as they seem. They overlap. He would like an additional section on multi-benefit projects and planning. He provided examples and wanted to discuss the multi-benefit planning and then funding.

Commissioner Halverson mentioned that on page 6, dash 23, the definition of the public safety tax had not been added even though the tax passed with a definition included. Mr. Boughan replied that staff is waiting for the finance department to approve the definition before adding it to the Comprehensive Plan.

Commissioner Casino, concerned with the amount of water Thurston County will have in 20 years, asked where the acquisition of water rights fit into the plan. Mr. Boughan replied that there are line items in the list of projects in the CIP that address water purchasing and other needs for future development that Public Works will hold.

Chair Day mentioned section 7, page 22, and wished for additional policies for water and sewer utility service in the unincorporated areas. He would also like to see some innovative approaches outside of the urban growth areas to utilize on-site septic systems to protect valuable resources.

7. **8:15 P.M. General Thurston 2045 Update**
(Staff: Ashley Arai)

Ms. Arai mentioned that the consultants will present the climate and housing approaches at the next Planning Commission meeting. She has asked them to provide it early so the commissioners have time to review it before the presentation.

Ms. Arai discussed adding a water resources session to the Planning Commission's schedule so they could hear how the County is planning for water. The conversation included details on a new advisory board that will focus on water resources. The big lift for them is establishing a water monitoring program for the updated Shoreline Master Program.

Commissioner Pestinger mentioned that Commissioner Fishburn will moderate the Diversity, Inclusion, and Equity event. He wanted to know if staff would reach out to the event organizers to see if they would like to advise the County on diversity, inclusion, and equity in the comprehensive plan related to those issues. Ms. Arai asked if it was okay to have staff contact Commissioner Fishburn to start the process. He agreed.

Other Business

1
2 **8. 8:21 P.M. STAFF UPDATES**

3 *(Staff: Ashley Arai)*
4

5 Ms. Arai stated that the Senior Planner interviews went well and hopes to have an update
6 for the Planning Commission at the next meeting. She also mentioned that Ms. Teeple
7 will return after maternity leave soon and manage the Comprehensive Plan.
8

9 **9. 8:22 P.M. CALENDAR**

10
11 *May 1, 2024: Work Session # 13: Thurston 2045-Climate & Housing Analysis Approach.*
12 *Work Session #2 LRA Code Update*
13

14 *May 15, 2024: Work Session #14: Thurston 2045-Environment, Recreation, and Open*
15 *Space (Chapter 9)*
16

17 **10. 8:24 P.M. GOOD OF THE ORDER**

18
19 Commissioner Fishburn mentioned the DEI roundtable with local leaders. The jurisdic-
20 tions joining include the City of Lacey, City of Olympia, City of Tumwater, and Thurston
21 County on April 18, 2024 from 6–8:00 P.M. in the Thurston County Atrium, Room 110.
22 There is a plan to record. The League of Women Voters, Hispanic Round Table, and the
23 Association of Pacific Islanders Coalition of Washington State are sponsors.
24

25 Commissioner Pestinger checked in and let the members of the Planning Commission
26 know that the Rules and Procedure document was in their court for adoption. Staff con-
27 firmed that the document did not have to go through the Board of County Commissioners
28 first. He will send a clean copy to staff before the next meeting for distribution to the
29 Planning Commission. Staff will add an agenda item for discussion and vote on the docu-
30 ment's adoption.
31

32 **11. 8:31 P.M. ADJOURN**

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34 With no further business, the meeting adjourned at 8:31 P.M. by Chair Day.
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36 **12. FOLLOW-UP REQUESTS**

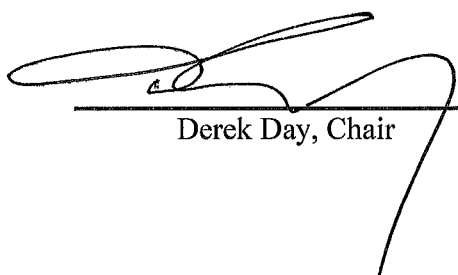
- 37
38 1. Add excused / unexcused to the attendance record
39 2. Miriam to follow up with Commissioner Fishburn about DEI
40 3. Schedule Water Work Session – Bryan / Kevin H. staff
41 4. Place Rules & Procedures agenda item – need a clean copy from Commissioner
42 Pestinger
43
44
45
46
47
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3 **13. ATTENDANCE RECORD 2024**
4
5

Number of Meetings: 6

	Day	Bartlett	Bumbarger	Casino	Fishburn	Hansen	Halverson	Kaiser	Nelson	Pestinger
Present	6	4	6	5	5	5	6	5	6	6
Excused	0	2	0	1	1	1	0	1	0	0
Unexcused	0	0	0	0	0	0	0	0	0	0

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16 Prepared by Tosha Knight



Derek Day, Chair
