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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

MEMORANDUM

TO: Planning Commission

FROM: Christina Chaput, Community Planning Manager

DATE: April 20, 2022

SUBJECT: Response to public comment on the Habitat Conservation Plan (HCP)
Development Code Amendments

The purpose of this memo is to provide information as it relates to the public comment and subsequent Planning Commission questions from April 6, 2022, meeting regarding the proposed amendments to the Thurston County code

Comments presented at the Public Hearing on April 6, 2022, for the amendment to the development code to implement the Thurston HCP generally included the following themes:

Noticing and Appeal of Applications: Comments received requested that the public be informed of permit applications for HCP review and approval and more time for appeals.

- Standard County process will be followed as set by development codes and ordinances.

The County has set the appeal procedures described in Chapter 20.60. Additionally, Chapter 20.60 includes review timeframes and when and how noticing is completed for each permit application type. Chapter 17.40 does not create new procedures for appeals or noticing. Instead, to maintain consistency, project reviews under the new Chapter will follow the procedures outlined in Chapter 20.60. Changes to Chapter 20.60 were not part of the scope of work for the HCP proposed code amendments.

Enforcement: Comments received inquired as to how enforcement may be carried out

- Standard County process will be followed as set by Title 26 – Code Enforcement

In 2016, Thurston County consolidated enforcement procedures into one Title known as Title 26 to provide consistency and transparency. The proposed new Chapter 17.40 does not

present alternative enforcement procedures. Instead, it references enforcement to be implemented pursuant to the process and policies outlined in Title 26. If there are violations of other agencies' rules, it would be the responsibility of those agencies to implement their compliance and enforcement actions.

HCP Conservation Program: Public comment included questions regarding species conservation.

- The Conservation Program will build on and work of existing local, state, and federal conservation actions, and follow the items outlined in the HCP submitted to US Fish and Wildlife Service (USFWS).
- This item is not part of the proposed development code amendment before the Planning Commission.

Submitted for Planning Commissions review are proposed amendments to establish:

- a set application process;
- require that projects be conditioned consistent with the HCP;
- and define the project applicability.

Chapter 17.40 also describes the review process, development standards, and required mitigation methods. Thurston County will implement the Conservation Program under the oversight of USFWS in compliance with the Incidental Take Permit (ITP).

Mitigation Fees: Comments received inquired about amount of fees and ability to change fees

- The fees and funding sources to implement the Conservation Program are included in detail in the HCP submitted to USFWS for their review and approval of the Incidental Take Permit (ITP).
- This item is not part of the proposed development code amendment before the Planning Commission.

A key requirement for an ITP is identifying and pursuing reliable funding sources. The development of the mitigation fees is part of the cost and funding chapter of the HCP.

The Board of County Commissioners (BoCC) has also budgeted a portion of the County's Conservation Futures funds to reduce the overall costs to the applicant.

Summary:

The review of the Planning Commission on item A-8 HCP implementing ordinance continues to be appreciated. The BoCC has set this item as Priority #1 on the Development code docket. To align the County implementing codes and ordinances with the USFWS issuance of the ITP a Planning Commission recommendation to the BoCC is needed by April 20, 2022 meeting.