

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR JULY 30, 2003

- A. OPENING BUSINESS
- B. WORKSHOP - PORT HADLOCK/IRONDALE URBAN GROWTH AREA
- C. PLANNING COMMISSION BY-LAWS
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#### **A. OPENING BUSINESS**

The special meeting was called to order at the WSU Learning Center at 7:00 p.m. by Chair Tom McNerney. Planning Commission members present were Phil Flynn, Robert Morgan, Eileen Rogers, Dennis Schultz, Jenny Davis, and Edel Sokol. David Whipple was excused.

DCD staff present were Al Scalf, Josh Peters, and Cheryl Halvorson, secretary.

There were about seven members of the public present. Those who signed the guest list were Cammy Brown, T. Dan Wollam, Reto Filli, Dan Lockhart, and Mike Regan.

The minutes for July 16, 2003, were approved as submitted.

The Chair invited staff updates.

Al Scalf reported that a new planner had been hired who would be devoting half of his time to the Fred Hill Materials pit-to-pier project, which was expected to take two to five years. The other half of his time will be devoted to other current planning issues. Mr. Scalf reported that there was a permit application for the pit-to-pier project and an application for the Wahl Lake extraction proposal. The Wahl Lake extraction proposal was related to the Mineral Resource Lands designation from the 2002 Comp Plan amendment cycle. He stated that while the projects were inter-connected, they were separate project proposals. He clarified that the Planning Commission would have no involvement in the project applications.

Al Scalf reported that staff was working on the staff reports for the Comp Plan amendments. He reported that there was a lot of information coming in for the ag lands proposal which staff was working through. Dennis Schultz reported that the Ag Lands Committee had not met as yet, but he had begun working with staff.

Al Scalf reported on a decision by the Hearing Examiner denying a permit proposal for the Troll Haven conditional use permit application, citing that it was not consistent with the rural character in Gardiner. He stated that there was a 14-day appeal period. Any appeal would go before an appellant hearing examiner in a closed record appeal and then to court after that, depending upon the outcome of any appeal. Tom McNerney commented that the decision may set a precedent in that it could affect future conditional use permits for other small scale recreation-tourist uses.

Tom McNerney suggested that the first public comment period be delayed until after the workshop, because it would be more meaningful at that time. The suggestion was accepted by the commissioners.

#### **B. WORKSHOP - PORT HADLOCK/IRONDALE URBAN GROWTH AREA**

The Chair welcomed the members of the public present who had indicated an interest in serving on a citizen's advisory committee in the UGA planning process. Robert Morgan stated that Dan Lockhart, who had served on the previous planning group, had also been invited to participate and had agreed. Mr. McNerney also invited the other members of the public present to participate. He stated that the Planning Commission would invite anyone else who was interested to participate as well. Mr. McNerney stated that the

commission's objective was to gain input from the members of the community about what they wanted and try to get that input incorporated into the process.

Al Scalf provided a history of the planning in the Tri Area. He stated that it began in the 1890's when Irondale was platted in small lots. He stated that those lots represented an urban density. He related that planning began with the 1971 and 1979 county comp plans and the Tri Area Community Plan of 1982. He stated that zoning and sewer planning began in 1982. Mr. Scalf reviewed the county's actions under the GMA regarding UGA's. It included a UGA designation in 1994 for the Tri Area, which was appealed and found non-compliant. He reported that a lot of vesting of subdivisions occurred during the Interim Zoning Code period. In the early 1990's, the county was involved in community planning throughout the twelve planning areas. The county hired a consultant, Ken Olsen, in 1994 to engage the Tri Area community in a visioning and community planning process. However, that was never fit to the requirements of the Growth Management Act and, subsequently, never went anywhere. After that, in 1995, another community planning group was formed and developed another community plan. He stated that the county Comp Plan was adopted in 1998. It called for the county to do the Special Study, which was completed in 1999. After Task VI of the Special Study was completed, the BOCC adopted a decision document. He reviewed the guiding principles contained in the decision document. Mr. Scalf stated that the BOCC adopted a UGA boundary on December 13, 2002. Now the county was working with five consultants to complete the UGA planning. They included consultants for stormwater, sewer, zoning, public participation, and transportation.

Staff provided a PowerPoint presentation which had been provided to the consultant group. Part of the presentation related to an explanation of the tasks in the Special Study. Al Scalf stated that it was a macro analysis.

Al Scalf reviewed what was proposed for the UGA in terms of additional commercial, light industrial, multi-family, single family residential, public facilities, and parks and open space land. He reviewed the factors influencing sewer and infrastructure planning. He reviewed the next steps and the status of the Tri Area today. While an outer UGA boundary had been adopted, rural development standards were still in effect while sewer planning and community land use planning were completed before implementing urban standards.

Tom McNerney stated that the BOCC had passed an ordinance in December, 2002, that in fact adopted a UGA. Al Scalf called attention to the county web site which contained much of the information (ordinances, maps, etc.) that was referred to in the presentation. Mr. McNerney stated that now we had the UGA boundary and we were now doing the internal planning for that boundary. He stated that the appeal of the UGA was based on the contention that the county had not done sufficient planning. Mr. McNerney commented that the current planning effort would counteract the appeal. He stated that until the county heard from the Hearings Board, the UGA boundary was still in effect. He stated that he wanted to make the point that there was a UGA and we had to implement it and make it work. In order to do that we must have a 6-year capital facilities plan, including the cost, and that it be affordable. Mr. Scalf stated that was one reason he noted the BOCC decision, stating that they were very concerned about the affordability issue. Mr. McNerney stated that his understanding of the BOCC's charge to the Planning Commission was to get citizen input so that what came from the consultants matched the

community's desires; the capital improvement plan reflected the community's desires.

Tom McNerney stated that the outer UGA boundary was set, but the internal zoning was open for discussion and decision. Al Scalf agreed, stating that the UGA Committee had identified at its meeting of this date their questions about the internal zoning and the 6-year sewer plan. He emphasized that did not mean that all of the areas would be sewered right away. Mr. McNerney stated that one of the issues to be resolved was to develop the regulations and zoning. Mr. Scalf agreed, stating that they were intended to actually implement the UGA consistent with an urban growth area, versus a rural area, although that did not mean Hadlock would become a Bellevue. Mr. McNerney stated that it meant what the public in the area wanted and what was reasonably affordable and would serve the projected population growth. Mr. Scalf thought the increased population was around 1165 people over twenty years beginning from 1996, so the population would go from 4000 plus to 5000 plus.

Tom McNerney stated that what the Planning Commission was interested in hearing was what the citizens would like to see occur within the UGA in terms of zoning for commercial, multi-family, industrial, etc. He stated that the current zoning was based on rural standards. With a UGA, it would be expected that the development standards would increase the intensity. Mr. McNerney stated that in the LAMIRD's for the rural commercial and industrial zones there was such a thing as "maintaining rural character". He stated that you would not be talking about rural character in a UGA; it would have an urban character. Al Scalf clarified that it would be an urban character for Jefferson County, not someplace like Bellevue.

Robert Morgan provided an update on the Planning Commission UGA Committee's activities. He stated that two weeks prior the committee had arrived at the conclusion that they needed citizen input and that input from the citizens at large should be solicited. Mr. Morgan stated that the consultants were working on a time line. However, some of the information that was needed was the future plans of area businesses and what they thought of the proposed interior zoning. He stated that the residents needed to understand that the major improvements would probably not include improvements into residential areas yet. He stated that the capital facilities improvements would be phased. He stated that the committee wanted some ideas from the public about the phasing and how they saw the zoning taking place. Mr. Morgan stated that the committee wanted the citizens to help them come up with what should occur in the UGA in order to fine tune the planning which in turn would help develop the costs, which everyone was so interested in. He stated that the committee hoped to have an ongoing advisory group of citizens to help the UGA committee. Mr. Morgan stated that if we (the citizens) did not make input into the planning process, the consultants would make plans for us. He referred to the last Tri Area Planning Group and their decision not to make a recommendation to the county. Consequently, the county made the decision for the citizens. He stated that the current process gave the citizens a second chance for input into the planning for the community.

Robert Morgan stated that if a business wanted to expand in the near future, the planners needed to know that so the infrastructure could be planned for. He stated that the original vision for the community from the original town plats was that the area would be a booming community. It was not intended to be a little hamlet. He stated that it was finally getting to that point (a

booming community). The question was how it would boom. He stated that the committee was asking the citizens to help come to that conclusion.

Tom McNerney stated that the commission had hoped to hold an open discussion at this meeting with the citizen's advisory group. He invited interaction with the community members present. He stated that what the Planning Commission needed was what the people wanted, how to find that out, and what the best procedure was to use. He stated that the Planning Commission was open for suggestions about how to do the outreach to the community.

Reto Filli stated that he was somewhat ignorant about what had happened. He asked what and if the UGA could or would go away. Al Scalf stated that the Hearings Board could have an impact on the UGA. That was still unknown at this time.

Edel Sokol asked who appealed the UGA. Al Scalf replied that ICAN (Irondale Community Action Neighbors) had appealed the UGA decision. He stated that Mike Regan was the spokesman for ICAN.

Mike Regan explained the ICAN appeal. He stated that the Hearings Board could make a finding of invalidity or a finding of non-compliance. He stated that their contention was that part of the issue was a lack of public participation and a lack of the county listening to the input they did receive. Another part was a lack of adequate capital facilities planning. Al Scalf stated that a Hearings Board decision was expected before August 22. Edel Sokol commented that planning for the Tri Area began in 1982 and had been continuing since that time. She questioned the lack of public participation argument.

Cammy Brown asked about what constituted public involvement. She stated that the work on their 1994 plan included a great deal of public involvement. Al Scalf pointed out that the 1994 plan was never adopted by the county because the legal opinion was that it was not GMA compliant.

Jenny Davis asked, concerning public involvement, if there was a criterion about volume of amount of public input, if there was a certain amount of people who had to become involved. Al Scalf replied that there was not. He stated that the Hearings Board had ruled in a case in Whatcom County that public involvement had to be frequent and often, active and iterative, but the jurisdiction did not have to listen to the people. Ms. Davis stated that it seemed like people would not get involved until something was decided. She wondered why that was, if it was a lack of public interest. Mr. Scalf stated that, in gathering the historical documents, what he saw, especially in a survey that was done ten years ago, was that 56% of the people who responded wanted the Tri Area to remain rural and did not want a UGA. Robert Morgan wondered whether that was based on a misconception about what was urban and what was rural. He stated the opinion that there was nothing rural about the Hadlock and Irondale area. He stated that, while there was still undeveloped land, the basic underlying platting and development of the land was urban. It was small town urban, but it was definitely not rural. He wondered if people really meant that they wanted it kept a small town.

Cammy Brown referred to the public participation issue, stating that she did not think it was a matter of people not being interested. She thought it had more to do with people working many hours on a community plan and then having it "trashed". After that, people decided that they would not be involved anymore. She thought that had a lot to do with it.

Dan Lockhart stated that he spent over a year on the Tri Area planning group. He expressed frustration that the group had spent most of its time debating whether there should be a UGA or not. That was not the group's task. He stated that at the very last meeting, a group of people showed up who had not been there for months and basically threw out the work that had been done. Mr. Lockhart stated that the year he had spent volunteering was completely thrown out. He felt very upset about that. He expressed concern with the rural designation that was now in place. He stated that people did not realize how restrictive the development code was and it was hurting the community "big time". It was costing the area jobs. He stated that he had turned away two business proposals for his property because they did not meet the guidelines. If it was a UGA, it would. He understood that, even with the UGA, until the services were in place, we could not change the development code. Therefore, until the sewer came out his way, he had to work under the exact same guidelines that he was under now, which were restrictive. Tom McNerney stated that may not be true. He stated that the regulations in the UDC could be changed once the capital improvements plan was in place, not when the sewers were in the ground. It could mean that it would still be on a septic system, but it may allow higher intensity development.

Al Scalf commented that Mr. Lockhart's property was in a Neighborhood Crossroad designation and agreed that the current development regulations were more restrictive. He stated that one of the questions the Planning Commission was interested in now was whether that area should be included in the sewer planning or not. Tom McNerney stated that if it was not included in the sewer, it could still be developed more intensely if it could meet the requirements for urban services.

Al Scalf stated that Dan Wollam of OlyCap was present and represented a prime example of a proposed development for affordable housing (South Seven) where only about fifteen units would be allowed under rural standards with onsite septic. However, they would like to build 50 to 60 units.

Dan Wollam, Executive Director of OlyCap, stated that he was also a resident of the area and, therefore, had a dual interest in the planning for the area. He offered some observations. The first observation was that the UGA area was not a rural area. The area in question was really a study in contrasts. From his perspective, there was some success and affluence in the area but it was also one of the areas that had some of the greatest poverty. He stated that the Comp Plan and state legislation talked about the importance of developing affordable housing. He stated that OlyCap had worked very hard at trying to do that. He stated that they could not move until they had sewer. That did not necessarily change the character of the area at all. He stated that they could fill any housing they could construct with people who were already in the area. He stated that there were people who were living in substandard conditions without electricity or running water. All of those people needed affordable housing. He stated that they had applications for housing from people in the area right now. He strongly encouraged the extension of sewer into the area where they were trying to develop affordable housing. He stated that was consistent with the Comp Plan. He stated that they could pay their share of the cost of sewer, stating that there were grants they could get as part of the cost of developing housing. Concerning the impact of the commercial areas, he stated that ultimately when they were working with people in their agency, they were trying to get them jobs. He stated that most people did not want a handout or to feel like they were a

burden on someone else. They wanted to be self-sufficient. Mr. Wollam stated that the community would never address its poverty issues and, ultimately, its housing issues until we strengthened and stabilized the job situation. That meant they supported reasonable, well planned, appropriate growth and opportunities for jobs. He stated that would not happen until and unless we built the infrastructure necessary to support that. Mr. Wollam stated that he was speaking not just for OlyCap but also as a resident and property owner of the area.

Tom McNerney stated that the Planning Commission wanted more input from more people in the community. He asked for suggestions from the public present on how the commission could get more input.

Dan Lockhart stated that it was difficult for many people to be involved because of their jobs. He suggested that someone go door-to-door with a questionnaire to the businesses or set up at the QFC with a questionnaire.

Al Scalf asked what issues Mr. Lockhart had with the rural development standards in relation to his business. Dan Lockhart replied that he had been approached by a car dealership, but under the current code, it was not allowed. Mr. Scalf agreed, stating that car sales were currently only allowed in the UGA (Port Townsend) or in the Rural Village Centers. Mr. Lockhart spoke about the retail leakage from the county, stating that car sales would bring a lot of sales tax to the county. He stated that it seemed this county had done more to run businesses out of our community, citing Admiral Marine as an example with a loss of 200 jobs. It seemed to him that this county was anti-job and anti-growth. He stated that he did not understand it because no one benefited from that. He stated that you could not pay for the infrastructure for a UGA if we didn't have the businesses and the jobs to support it.

Dan Wollam stated that the Planning Commission had asked about ways to get more input from the public. He suggested that the Tri Area Community Center was a good place to put up a display and to get information out to the community, stating that they would support that. He stated that when they started on their housing project, they held a series of six meetings in different places within the community. They had gained lots of ideas and feedback from those small meetings. Mr. Wollam stated that, if the county wanted to use surveys, his agency would be happy to help distribute them. He stated that his agency would help in whatever way they could.

Tom McNerney stated that one of the consultants was a public relations firm who were supposed to do the public outreach. Mr. McNerney stated that Linda Haskell had suggested that the Planning Commission do presentations to the local community groups and had provided a list of such groups that met at the community center.

Tom McNerney stated that the Planning Commission had heard from one business owner about their issues with the rural development standards. He asked Mr. Filli about his issues. Reto Filli stated that it came back to the "chicken and the egg" issue, stating that it was difficult to say what you would like to do when you did not know the cost. He suggested that perhaps the infrastructure planning could be done through choices, starting small and with the ability to add on later. He did not know that making choices without knowing the cost was realistic.

Robert Morgan stated that staff had used the term "guesstimate", which was a word planners, architects, engineers, etc. used when they did not know exactly what they were looking at. He used the analogy of someone wanting to build a 150,000 square foot building without knowing the specific details of that building. The cost would be a "guesstimate" because there was nothing specific to go on. Mr. Morgan stated that the current thinking of the Planning Commission was to phase the infrastructure in order to make it more affordable. He stated that you had to know what you were buying before the costs could be figured. Mr. Morgan used the analogy of buying a suit where the person knew what kind of suit they wanted, and picking out a suit before checking the price tag. Mr. Morgan stated that the commission wanted to know "what kind of suit" the community wanted before checking the tag. Al Scalf stated that the "guesstimate" in the Special Study for sewer and water for a certain tier of the Tri Area was \$8.3 million and \$3900 cost per household or about \$54 per month over a 6-year period. The tier in question was the Hadlock core with some surrounding residential. Mr. Scalf stated that the main point was that it was a "guesstimate".

Tom McNerney commented that the thinking at the time was that the cost would be spread across the entire area, whereas now the thinking was that only those benefiting would pay for it. Eileen Rogers stated that it was important to recognize that there were other funding sources as well. She stated that it was important to get the service areas identified so that potential funding sources could be determined, so that it was not just coming from the residents. Ms. Rogers stated that the other thing to keep in the back of your mind as a business person was the economic development that could occur with additional businesses and the additional business income that would generate. She stated that what the Planning Commission and county needed from the business people was what their vision was for their business six years from now and the impact for the business if they had a sewer system. Ms. Rogers stated that she agreed with Mr. Filli and wished we could tell him the cost right now, but that was not possible. In order to get from a general "guesstimate" to something more finite, the county needed to know from the community, especially from the business people, what their vision was. Then the county could figure out what kind of sewer system to recommend and to determine the costs more fully.

Cammy Brown stated that the 1994 plan was the community's vision. It included the business owners. She admitted that it was ten years old. Tom McNerney stated that the Planning Commission needed to know if that vision was still valid.

Al Scalf stated that the first tier sewer plan from the Special Study assumed the Hadlock core plus some residential areas around the core and that the entire cost would be paid by the people inside the tier boundary through an LID. He stated that Mr. Wollam could speak to other funding alternatives.

Edel Sokol stated that the public input she had seen since joining the commission was a question about the cost. She stated that we needed to draw the line first before we could figure the cost. She stated that it should be noted in a public meeting that the total cost would not fall on the individual citizens. She stated that she had heard from people that they do want a UGA, but their only concern was the cost of infrastructure.

Phil Flynn asked Mr. Filli about the septic system he developed for his business and whether it was built for his business vision. Reto Filli stated that the septic was developed only for the restrooms for the facility,

stating that everything from the business itself was self-contained and re-used. Mr. Flynn stated that with a sewer, there would be no limits to what his expansion could be within the bulk and dimension standards for a UGA. Al Scalf stated that the particular constraints Mr. Filli's property had was that it was within the wellhead protection area for the Sparling well and it was in an aquifer recharge area, so there was a higher treatment standard. Mr. Scalf stated that Mr. Filli was very progressive in doing containment and recycling water and had been recognized as an Enviro Star. He stated that spoke to development regulations that were very constraining in a rural area. Mr. Filli stated that they had made the choice to do that because of the kinds of services they wanted to provide and there was no way to discharge any of that waste.

Tom McNerney stated the opinion that Mr. Filli's business was a poor example because it only had very limited restroom facilities. However, a restaurant business or laundromat would be a big problem. Reto Filli stated that stormwater treatment was a big issue.

Dan Wollam stated that his agency also owned a small business in the Rhody Drive area, the Northwest Passage Thrift Shop. He stated that at one time, in a previous business, it had a small seating area for lunch business. He stated that when they were getting permits for their business, they found that they could not have any food preparation because of septic requirements. He stated that they had talked about plans for what they'd like to do, but they were constrained by the septic. He stated that he knew others had also looked at the property prior to their leasing it, but the septic kept them from doing what they wanted in their business plans. Mr. Wollam stated that the fact was that the lack of sewer was restraining the development of the area and was keeping jobs and economic opportunities out of the area.

Tom McNerney stated that the commission kept hearing about a sewer system in the core of Hadlock. He stated that he and some others had brought up the possible need for sewer along Rhody Drive. He stated that if the planning was for a sewer in the Hadlock core and maybe developing sewer service in six years along Rhody Drive, but there was a need for sewer there now, the county needed to know that.

Mike Regan referred to the request for public input. He suggested a mass mailing along with a door-to-door effort. He stated that a lot of people had put a lot of effort into the planning process in the past, and he thought they felt they were not listened to and finally gave up. Mr. Regan thought people could still be brought together with the right enticements. Tom McNerney stated that the committee had discussed what form the outreach should take. Mr. Regan suggested that the commission try to get an adequate number of people to help develop a fair questionnaire, stating that a questionnaire could be slanted one way or another. He thought it would be important to get some input from the citizens about any questionnaire. Mr. McNerney agreed, stating that if the Hearings Board decision directed the county to continue its planning efforts, the county wanted to be prepared with how the public felt. He stated that if the majority of the public did not want what was planned, possibly because it was too expensive, then the county needed to know that now and not when we were passing ordinances in 2004. Mr. Regan agreed that those questions should be asked of the citizens up front. Mr. McNerney stated that the Planning Commission was trying to figure out how to get the information and the people who could help get it.

Dan Lockhart stated that he had been in business in this county for many years, the last four at his Rhody Drive business. He stated that for all of those different locations and for all of those years of being in business, he had never had a commissioner or a county official come into his business and ask what they could do to help him out. He stated that the people who worked hard on their businesses did not have time to take off to come out to meetings. Tom McNerney stated that the committee had discussed how to take advantage of the knowledge and talent of the people without taking a lot of their time. Mr. Lockhart discussed the interim development code that had been adopted in the 1990's, stating that it was very restrictive. It was put in on a very tight time line rather than taking the time to develop and adopt something that would work. He stated that his experience with the involvement he had in the process had come back and "slapped him in the face".

Edel Sokol asked if Mr. Regan would provide a list of the members of ICAN, stating that it would be helpful to have a list of the people opposing the UGA. Tom McNerney stated that Mr. Regan was not representing ICAN at this meeting. He explained that it had come up many times that someone came to a Planning Commission meeting stating that they represented a certain organization, and the commission did not know whether that meant one person or fifty people. He stated that the commission would like to know how many people an organization actually represented in order to know what weight to give to their testimony.

Josh Peters asked if Mr. Lockhart had ever been approached by the EDC. Dan Lockhart replied that he had not been. Mr. Peters stated that sometimes DCD did not know what the EDC was doing and they probably did not know what DCD was doing either. However, DCD was trying to improve the communication with the EDC. Mr. Lockhart related experiences he had with the Port and PUD where he had not been contacted before they did something that adversely affected his business.

Tom McNerney stated that part of the work that was being done would be to address development regulations. He stated that Mr. Lockhart had spoken about the restrictiveness of the current development code, stating that input about those kinds of things was needed. He stated that the commission wanted to make sure the consultant came up with regulations that would fit the community. Mr. McNerney stated that the zoning within the UGA was an issue for discussion as well, stating that some commissioners had considered particular parcels for possible designation for multi-family housing because of their size. Those were the kinds of things the commission wanted input on.

Dan Wollam stated for the record that his agency would be interested in working with particularly DCD in researching and applying for grants at the right time to help pay for the infrastructure costs. He thought the county would need to be the lead in that, but OlyCap would certainly help as well. He stated that they would also like to be involved in the development standards. Tom McNerney stated that the commission wanted input from the community on all of those topics.

Cammy Brown suggested that DCD develop a questionnaire for handout at the county fair booth. Another possibility was to have a page on the county's flip chart at the fair booth on the UGA. Another suggestion was that she had invited staff to make a presentation at the Tri Area Chamber of Commerce. She thought it would generate some interest among the CofC members. She

stated that meeting in the day time [UGA Committee meetings] made it impossible for the public to attend because they worked.

Reto Filli suggested that the county develop a document condensing the pros and cons for doing this. He stated that people could not make an intelligent decision until you had a certain amount of knowledge. He stated that the historical documents were available but they were too large. He thought a document that depicted the five or ten points that spelled out what the benefits were, and maybe another five or ten points about the drawbacks, would be very helpful to the public.

Mike Regan suggested that perhaps a question to ask the residents was whether the people wanted multi-family housing in particular areas. He thought that perhaps people would not want the poor people congregated in one housing project. Tom McNerney stated that he had read a recent article about the idea that concentrating all low cost housing in one area had gone out of favor. Blended housing was now more favorable. Dan Wollam stated that he would not argue with concentrating low cost housing. It was not a good idea, but that did not mean that we did not need affordable housing. He stated that the best way to get to what Mr. Regan was talking about was to have the infrastructure to allow it to be developed properly, including having it dispersed. He stated that the problem would not go away. It would just force solutions that were not good solutions.

Mike Regan stated that the market was not there because of the regulations that were in place. Tom McNerney stated that was again part of the input the commission was seeking. If the regulations were a problem and the commission could find out what parts of the regulations were a problem, perhaps the commission could do something about it. Mr. McNerney stated that the commission could wait until next December or the first of the year when the consultants brought in their draft amendments to the UDC and Comp Plan and review that. However, the BOCC had said they wanted to get the input from the public before the amendments were drafted rather than waiting until after they were done.

Phil Flynn asked staff, when this came about, what relief from the regulations could be had. He asked if the community would be able to rezone. The answer was "Yes". Mr. Flynn asked what other relief would be available from some of the restrictive regulations. Al Scalf stated that relief could impact the actual amount of zoning, which was a market issue. He stated that the building cap could be relieved. He pointed out that under rural standards, QFC could not expand. However, he did not think the community wanted "big box" stores. He thought they wanted services. That could be addressed through the use tables which were currently very constrained to maintain the rural character. Mr. Scalf stated that an urban area opened up the uses. Mr. Flynn asked how that would come about. Mr. Scalf replied that one of the consultants would draft a UGA chapter for the UDC. Mr. Flynn stated that when those amendments were put in place, it would provide relief in almost all of the areas of concern that had been expressed. Concerning residential densities, Mr. Scalf stated that at some point we would run up against the health standards. Josh Peters stated that the use tables and bulk and dimensional standards were open for discussion under a UGA designation in the various zones within the UGA. However, there were certain things that DCD would not touch so much, and that was the health regulations. That was another limitation that must be considered and was perhaps where the sewer planning came into play. Mr. Peters explained that you could open up the use table for certain zones, but if sewer was not actually there in the

ground, there would still be a certain amount of limitation. Edel Sokol pointed out the number of small lots in the area which were all on septic systems and comments the county had received on the possibility of ground water pollution.

Tom McNerney closed the UGA portion of the agenda. He thanked the members of the public for their input and suggestions.

Robert Morgan and Jenny Davis were excused from the remainder of the meeting.

#### **C. PLANNING COMMISSION BY-LAWS**

The commissioners and staff discussed the issue raised by the Deputy Prosecutor concerning the word "active" in Section 11. Tom McNerney stated that the Deputy Prosecutor considered the Planning Commission to consist of nine members as the "total members". He stated that there were times, such as now, when the commission had less than nine members. He stated that he had asked a question about voting and the number needed at a state-sponsored workshop. The response had been that the "total members" was the number of commissioners appointed and serving; it did not mean the number of positions on the commission.

Cheryl Halvorson suggested that if the Planning Commission collectively disagreed with the Deputy Prosecutor's interpretation and wanted to apply a different interpretation into the by-laws, the commission should state their reasons for differing on the record. She stated that the issue not only spoke to Section 11, Voting, but it also spoke to the last paragraph in Section 2 which addressed the leave of absence and the active member issues.

Tom McNerney stated that he had a workbook from the state on the Planning Enabling Act and would do some research into the issue. He stated that if the commission got down to seven members and needed a majority of five to pass something, two or three members could control the actions of the commission.

The commissioners and staff discussed the timing of the approval of the by-laws and whether additional modifications could be made in the meantime.

Edel Sokol commented that everything she originally proposed for by-law amendments was based on the RCWs. Josh Peters suggested that if Ms. Sokol could provide him with a source showing that other jurisdictions were using similar language, he would take the next step in contacting the Deputy Prosecutor about the issue. He stated that he would also do some research through the Municipal Research Service.

#### **D. ADJOURNMENT**

Tom McNerney asked about the UDC HOPE project. Josh Peters replied that it would not be coming forward until after the Planning Commission had finished the Comp Plan amendments. He stated that he would be contacting the EDC about it.

The commissioners and staff discussed the agenda for the August 6 meeting. It was suggested that in addition to the staff report on the site-specific Comp Plan amendments and the by-laws that the Planning Commission discuss the agricultural lands issue.

Tom McNerney asked about a meeting in the West End regarding the ag lands issue. Dennis Schultz stated that he had discussed it with staff but no date had been set.

The commissioners and staff briefly discussed the timing of the staff report and public hearing for the suggested Comp Plan amendments.

The commissioners and staff discussed the timing of the proposed language for the ag lands amendment and whether it would go to the full Planning Commission or only to the Ag Lands Committee. Tom McNerney stated that if the full commission could at least see the proposal, the commissioners could make comments to the committee.

Tom McNerney asked about the airport proposal. Josh Peters replied that he needed to contact the Port about them providing a more specific amendment, preferably with specific Comp Plan and UDC language.

Tom McNerney asked about the status of the seawater intrusion amendment and appeal. Josh Peters replied that the appellant had filed a brief with the Hearings Board. He stated that the basic request was for invalidity and essentially a moratorium on any development in any SIPZ. The commissioners discussed the effect of a moratorium on property values and property taxes. The commissioners asked for copies of the appellants brief.

Phil Flynn and Josh Peters discussed the list of conservation measures for seawater intrusion. Mr. Peters stated that the county needed to send it to the Hearings Board. He stated that the good news was that the county had not issued any permits in the High Risk SIPZ.

Phil Flynn asked about the catch points from the Hearings Board on the Tri Area. Josh Peters responded that Al Scalf thought the Hearings Board would come back and say the county still had some homework to do. His concern was that the Hearings Board would stipulate a time line for compliance.

The commissioners briefly discussed the ICAN group and its membership and their appeal of the UGA. Josh Peters commented that there may not be much difference of opinion between the group and the commission given Mr. Regan's comments about relaxing the regulations.

Cheryl Halvorson raised the suggestion she had made for an additional amendment to the by-laws in Section 3 which would add the phrase "... or within such additional time as may be specified by the Board of County Commissioners" to the time line for a recommendation to the BOCC from the Planning Commission. The commissioners agreed by consensus to make the addition. Ms. Halvorson pointed out that the commission would need to formalize that decision at the next meeting when the by-laws were adopted.

The meeting was adjourned at 9:45 p.m.

**E. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_\_ day of August, 2003.

\_\_\_\_\_  
Thomas McNerney, Chair

\_\_\_\_\_  
Cheryl Halvorson, Secretary