

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR AUGUST 6, 2003

- A. OPENING BUSINESS
- B. PRESENTATION/DISCUSSION OF STAFF REPORTS ON 2003 SITE SPECIFIC COMP
PLAN AMENDMENTS
- C. DISCUSSION OF AGRICULTURAL LANDS ISSUES
- D. ADOPTION OF AMENDED PLANNING COMMISSION BY-LAWS
- E. ADJOURNMENT

A. OPENING BUSINESS

The regular 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, Eileen Rogers, Dennis Schultz, Robert Morgan, Edel Sokol, and Jenny Davis. David Whipple was excused.

DCD staff present were Randy Kline, Josh Peters, Karen Driscoll, and Cheryl Halvorson, secretary.

There were five members of the public present. Those who signed the guest list were Gary and Mari Phillips, Bill Brock, Cammy Brown, and Skip Urling.

The Chair invited staff updates.

Randy Kline reported on his talks with the UGA Committee about setting up speaking engagements with community organizations.

Cheryl Halvorson reported that a display ad for the vacant Planning Commission position had been published in this date's Leader. The ad will also be published in the August 11 Peninsula Daily News.

There were no public comments received during the first comment period.

B. PRESENTATION/DISCUSSION OF STAFF REPORTS ON 2003 SITE SPECIFIC COMP PLAN AMENDMENTS

Josh Peters stated that the staff report and SEPA addendum document was being handed out at this meeting to the Planning Commission. Copies were available for the applicants. He reported that the legal notice for the report had appeared in this date's Leader and had been posted on the county's web site. Mr. Peters noted that this report was for only the site specific amendments. He stated that another similar report would be developed in September for the suggested amendments.

Josh Peters stated that the report document was an integrated GMA/SEPA document as was intended by state legislation. He reviewed certain sections of the report. He called attention to the tables in Section 1 and urged the commissioners to review the section which summarized the environmental impacts of the four amendments.

Josh Peters moved on to review Section 2. He particularly noted the chart on Page 2-5 which summarized the staff recommendations for the four site specific amendments. He reviewed the locations of the four subject properties and the staff recommendation for them.

Concerning the **Northwest School of Wood Boat Building** amendment to rezone a portion of residentially zoned land to the Rural Village Center, **MLA03-182**, Josh Peters stated that staff reviewed the criteria for a LAMIRD and recommended approving the request. The rezone would put the entire parcel into the RVC zoning district. He pointed out that any development by the school would be done through a conditional use permit through the Hearing Examiner process and would be another opportunity for the public to comment on their actual development proposal.

Josh Peters noted that with this presentation, the public comment period on the site specific amendments was now open. The Planning Commission would

accept public comments until the close of its public hearing on August 20. He noted that the public hearing would begin at 6:30 p.m.

Phil Flynn asked about the septic for the site, stating that the school's plan called for a hostel for 24 people and it was expected that they would have open houses. He asked about the septic design and the area they planned to devote to it. Josh Peters replied that he could not answer that. He stated that on a non-project action such as this, staff would get as much information as possible. However, that particular issue was probably more appropriate for the actual land use application stage. Randy Kline pointed out that the subject area was within the proposed commercial area under a UGA and would be serviced by a sewer. It was pointed out that would occur in the future.

Tom McNerney commented that this application would effectively expand the LAMIRD. He stated that the criteria he saw used for the Glen Cove expansion was the built environment. He asked what built environment was contained on this subject parcel. Josh Peters responded that the discussion about the proposal began on Page 2-12 of the staff report. He stated that staff concentrated on the logical outer boundary rather than on the built environment. He stated that there was a manufactured home on the portion of the property in question.

Tom McNerney commented that the Director had indicated that the issue for the rezone was about the split zoning. He commented that he thought it was a weak argument because there were other split zoned parcels in the county. The commissioners and staff discussed the split zoning issue and whether the county would have, or already had, a policy about not splitting zoning on parcels. Mr. McNerney commented that he raised the issue because it needed to be in the record. Josh Peters stated that there was a street and stormwater easement across the parcel from the uphill commercial property.

Josh Peters stated that this was the preliminary staff report and recommendation, so depending upon further information received, it could be revised during the final report.

Tom McNerney stated that he wanted to bring out the issues for the record. He stated that, originally, it just looked like the addition of a parcel. However, now it was expanding a LAMIRD boundary and that used different tools. He wondered if it was going to be a new policy that any split parcel should be included. Josh Peters stated that he could not speak for the Director. Mr. Peters stated that every land use situation was different. In general, split zoned parcels was not a good idea. He could not speak to why the BOCC originally decided to draw the RVC boundary in that particular way. Randy Kline offered the opinion that it was because of their effort to draw the boundaries as conservatively as possible at the time. Mr. Peters stated that in some situations, it may warrant a second look. While he could not speak for the Director, he thought the department would probably want to look at every case individually. The commissioners and staff briefly discussed the process that occurred in 1998 when the commercial boundaries were originally drawn for the Comp Plan.

Edel Sokol commented that one of the criteria addressed whether the community desired the proposal and whether it had merit for the community as a whole. Josh Peters agreed that this was an opportunity to find out what the community wanted. Also there would be other opportunities if the BOCC held a

public hearing on this amendment and again before the Hearing Examiner if a project proposal came forward.

Josh Peters moved on to **MLA03-189** submitted by **ANE Forests of Puget Sound**. It would rezone approximately 40 acres from RR 1:20 to RR 1:10. He pointed out the location of the parcel, which was bisected by SR 19. He stated that the staff recommended approval of the proposal with a condition. The condition was that a PRRD would be the mechanism for the subdivision with the open space being on the west side of SR 19, which they did not intend to develop anyway because of its environmental constraints. He noted the beginning of the specific discussion on the proposal on Page 2-7. He stated that staff based their recommendation upon the application as received.

Josh Peters stated that his initial investigation into the parcel found that it was one parcel. However, the previous day he had gone into the mapping program again and found that the property was now divided into two distinct parcels; the portion on the west side of SR 19 was actually a separate parcel from the portion on the east side of the road. Mr. Peters stated that the Assessor had split the original 40-acre parcel upon a request from the property owner in January, 2003. Randy Kline explained that the RCW allowed for a parcel that was split by a public entity with a road to be subdivided into two parcels. That happened in this case. He clarified that the RCW said they were "allowed" to, they were not forced to, split the original parcel. Mr. Peters stated that it had been the county's policy to split such parcels upon the landowner's request and not even use the formal subdivision process. He stated that the amendment application was submitted after January but it did not mention this situation at all; it only mentioned the one parcel number. Mr. Peters stated that the Assessor's office only occasionally updated their data, and it just so happened that they had just updated it the day before and he had stumbled upon it.

Josh Peters stated that the current situation meant that we were talking about two parcels, one of about 16 acres and the other of about 22.5 acres, with the road taking up some land. The smaller parcel was on the west side of the highway and the larger parcel on the east. He stated that staff had discussed the situation this date and decided they needed more time to determine what to do. He stated that the staff report had already been prepared and it treated the property as one 40-acre parcel. Mr. Peters stated that he needed to contact the property owner about the situation.

The commissioners and staff discussed the validity of the application given that it was now two parcels. Josh Peters pointed out that the division into two parcels came at the request of the property owner. Randy Kline thought the two parcels may not mean too much. The county could still consider the whole area for RR 1:10, but it would just be in two parcels instead of one. Mr. Peters reported that the ESA maps indicated that the smaller parcel was only affected along one edge, although that would need to be verified on the ground. It was pointed out that the application was signed and dated on January 24 and January 27 and received by DCD on April 10.

It was agreed that staff should discuss the application further and report back to the Planning Commission with an addendum to the staff report.

Josh Peters moved on to the **Donna Pall** application, **MLA03-225**. It would redesignate a 68-acre parcel from Commercial Forest 1:80 to Rural Forest 1:40. He stated that either designation could be appropriate for this

property. He pointed out the location of the property on the map. The problem was that 80 acres would be needed to subdivide at a density of 1:40.

Josh Peters stated that there were actually two government lots involved with the property. One was something over 40 acres and the other was something over 20 acres. In his conversation with the applicant, she indicated that what she wanted was to have the 20 plus acre portion be one parcel and the 40 plus acre portion be Rural Forest 1:40. Mr. Peters explained that the staff recommendation was that the larger portion (government lot) would be Rural Forest 1:40 and the smaller government lot would be Rural Residential 1:20. He stated that the recommendation was conditioned such that the rezone would not take effect until after a subdivision application was approved. He stated that the applicant's intention was to live on the property and it just happened to be forest land; it was not used for forestry. It was really used as rural residential property. He stated that the property was zoned rural residential when Ms. Pall bought it. It had been rezoned to Commercial Forest with the 1998 Comp Plan. She had just discovered that recently. Mr. Peters stated that, given those unusual circumstances, staff felt comfortable with making this recommendation as a solution.

Josh Peters stated that the staff report/recommendation had not been reviewed by the Deputy Prosecutor, so staff did not know what his opinion would be. He stated that the staff recommendation was for approval but it would not become effective until a land division application under the UDC was approved. Mr. Peters stated that another option would be to split zone the property, although that was counter to the general policy that split zoning was not a good idea. Mr. Peters stated that the Planning Commission had some alternatives to consider regarding a recommendation to the BOCC on this application. One was to split zone the parcel. One was to follow the application exactly as stated (CF 1:80 to RF 1:40). Another was whether to change the zoning at all. Another was to follow the staff recommendation for a combination of Rural Forest and Rural Residential conditioned upon approval of a subdivision application. Or the commission may recommend something else.

Randy Kline stated that the staff recommendation was similar to the way the Fred Hill Materials proposal was conditioned. It would be a condition on a legislative approval. He offered the opinion that the applicant would not have a problem with the condition. He stated that the applicant desired to actually divide the parcel in order to allow two single family dwellings with separate ownerships, adding that the ADU limitation would not satisfy their needs. Josh Peters referred to Page 2-28 of the staff report, stating that for all intents and purposes the only on the ground impact of the decision would be that the second single family dwelling allowed on the 68 acres would be larger than the 1,250 square feet allowed for an ADU. He stated that how the parcel actually looked would probably not change. He stated that was why staff felt comfortable with their recommendation. Mr. Kline stated that another reason staff felt comfortable was that it would remain at a very low density, with one parcel RR 1:20 and the other portion remaining as Rural Forest.

Josh Peters explained how the process would work under the staff recommendation. The county would make a legislative decision during this amendment cycle, if the recommendation was approved. The land use map would not actually change until the subdivision was approved. If the contingency was never met, then the land use map would never change.

Randy Kline pointed out that under the staff recommendation, there would be the possibility for four dwelling units, a home and ADU on the RR 1:20 parcel and a home and ADU on the RF 1:40 parcel. He stated that was not necessarily bad given the large size of the parcels.

Tom McNerney raised the issue of reducing the amount of commercial forest. Josh Peters referred to the table on Page 1-9 which depicted the effect on the acreages in the various land use districts if all four amendments were approved. He stated that if you took the Pall application on its face, it would not change the net acres in forest land. It would merely shift the 68 acres from Commercial Forest to Rural Forest. That did not solve Ms. Pall's problem, however. He stated that under the staff recommendation, it would take approximately 23 acres out of the forest lands designations. He referred to the decision the county made in 2002 about the forest transition overlay that could potentially remove lands from the forest lands designations. He agreed that it was a decision that could be appealed by someone who could be concerned about redesignating forest land. While staff would be comfortable with a zero net change, which was the fact of the Pall application, staff also understood that was not what the applicant really wanted.

Josh Peters moved on to **MLA03-231** proposed by **Phillips/Maki** for a Mineral Resource Lands overlay district. It would redesignate approximately 37 acres from Rural Residential to a MRL overlay. Mr. Peters stated that the county adopted by reference the SEPA review from the 2002 Comp Plan amendment cycle for the Fred Hill Materials MRL proposal. He stated that if the application was approved, it would create a MRL overlay of approximately 56 acres total. Permits for actual mining would still need to be applied for and received. He stated that both the county and state agencies would be involved in that permitting process. Mr. Peters stated that the existing quarry was a grandfathered use, but any new permits would be subject to the UDC conditions.

Josh Peters reviewed some of the conditions staff proposed for approval of the amendment (Page 2-23 of the staff report). One condition would essentially apply conditions to the grandfathered area of the new MRL.

Phil Flynn stated that staff had not addressed the hours of operation and noise issues. Josh Peters responded that those issues were addressed in the UDC standards and would be applied to any permits. He stated that staff was aware of concerns expressed by some neighbors of the current mining operation. Mr. Flynn stated that staff was not suggesting anything unique for this application other than what was contained in the regular regulations. Mr. Peters agreed that was correct, although he stated that did not mean that during an actual permit application review, it was possible that some other condition may be warranted to address a particular concern. That was the difference between the non-project review of a legislative decision and a project review of an actual mining application.

Tom McNerney and Josh Peters discussed the grandfathering issue. Mr. McNerney pointed out that safety issues were never grandfathered, citing fire codes as an example. Mr. Peters stated that grandfathering had different meanings in different jurisdictions depending upon policy decisions made.

The secretary reiterated that the public hearing for the site specific amendments would be held on August 20 at 6:30 p.m.

C. DISCUSSION OF AGRICULTURAL LANDS ISSUES

Karen Driscoll reviewed the work to date on the agricultural lands issue, including the letter and survey that was sent to county residents. She stated that she was currently reviewing those responses. In addition, she was reviewing for consistency all of the county ordinances and plans that addressed agriculture. Another task was to review all of the policies to see if they were doing what the county intended. She stated that she had compiled a matrix depicting all of the policies that pertained to agriculture from all of the county references.

Karen Driscoll stated that part of the mailing to the residents was a form providing the opportunity for the land owners to apply for a rezone to an agricultural lands designation. There were over 100 applications received. However, she thought some of those were from people who did not understand that the intent was to capture only those people who were practicing commercial agriculture. She thought of it as a way to formalize the grandfathering in of existing agriculture.

Karen Driscoll stated that she had prepared a draft line-in, line-out Comp Plan language document. That document had been provided to the Ag Lands Committee. She was nearing completion of draft UDC amendments. Ms. Driscoll stated that she was also reviewing each request for rezoning. She stated that the Ag Lands Committee was also considering holding a meeting in the West End on the issue if the people there indicated an interest. That would occur sometime after September 17 when the draft language was due to be available.

Karen Driscoll handed out a summary of the answers to the questions on the survey that had been received. She reviewed some of the more interesting answers. She stated that she had found that there were many people who had quite successful small farm operations on Rural Residential land.

Karen Driscoll explained the Open Space-Agriculture tax program at the urging of the Planning Commission. The commissioners and staff also discussed the fact that aquaculture tide lands were likely not eligible for the Open Space tax program. That was a situation that many people responded should be changed.

Karen Driscoll discussed a situation in Skagit County where processing needed to be allowed on the farm land rather than within industrial zoning. She stated that the GMA directed counties to not only protect critical areas but to also protect agriculture. She stated that in some cases, as long as the scale stayed appropriate, we should allow processing to be sited within the ag lands. She stated that nowadays the majority of farming was small family farms where they practiced value added farming and did retail sales. And they were not doing it on very large parcels.

Randy Kline stated that it was getting to the point where the counties could not legislate to make people do agriculture. He stated that people wanted to preserve farming many times for aesthetic reasons. While that was fine, he stated that the best thing we could do to preserve agriculture was to make sure it was economically viable. He stated that it would not work to say to people that we would give them such a low density that they could not do anything else with their land except farm it. That would not work. Karen Driscoll stated that it (farming) was a life style choice, but it was a life

style choice where the people wanted it to bring in a segment of their income.

Karen Driscoll related some of the conversations she had with the public who called in response to the letters and the newspaper ad.

There were no comments received during the second public comment period.

D. ADOPTION OF AMENDED PLANNING COMMISSION BY-LAWS

Tom McNerney asked staff to review the two issues that were still subject to discussion and possible amendment before the commission adopted the by-laws. Cheryl Halvorson reviewed a proposed addition to Section 3-Members Responsibilities and Duties in the last paragraph so that it would read "... which is forty (40) days, or within such additional time as may be specified by the Board of County Commissioners." The Chair invited a motion regarding the by-laws.

Eileen Rogers moved that the Planning Commission approve and adopt the by-laws as amended and discussed at the previous meeting. Jenny Davis seconded the motion.

Tom McNerney suggested a friendly amendment adding the verbiage in Section 3 suggested by the secretary. The friendly amendment was accepted.

Tom McNerney raised another issue related to Section 11-Voting concerning the Deputy Prosecutor's request that the word "active" be deleted. At issue was a difference in interpretation about membership. It was agreed by consensus to leave the word in the section and do the further research to determine which interpretation should prevail. If it turned out that the word "active" should be removed, the commission could do another amendment later.

The motion as amended carried unanimously (7-0-0).

E. ADJOURNMENT

Randy Kline raised the possibility of the UGA Committee meeting on a bi-weekly basis until such time as staff began to receive material from the consultants to review. He stated that he did not have enough to keep the committee going on a weekly basis. That did not mean, however, that the committee could not use its time to go out on speaking engagements.

Tom McNerney stated that he had appointed Phil Flynn to the UGA Committee to replace Pat Rodgers.

Robert Morgan stated that he had no objection to bi-weekly meetings of the committee. He stated that he had been impressed with Karen Driscoll's questionnaire and suggested that the UGA Committee work on a questionnaire/survey as well for both the businesses and homeowners. Randy Kline suggested that he could have something ready for the committee by August 20 but not by August 13.

Eileen Rogers stated that the committee would be willing to meet bi-weekly but only with the understanding that the committee would meet weekly again when material began coming forward from the consultants.

Randy Kline handed out copies of the professional services agreement for sewer planning with Economic and Engineering Services [EES]. He reviewed the scope of work and due dates for the various tasks.

One task was to develop assumptions and criteria related to development of the Port Hadlock core area sewer plan. Tom McNerney stated that the sewer plan was an issue the commission wanted to get some feedback on from the citizens in the community. Eileen Rogers stated that one of the issues the committee had heard from the public was that the community was interested in providing sewer not only in the core of Hadlock but also along Rhody Drive. There were really two core commercial areas. She was concerned that the consultant had a preconceived notion about what area the sewer plan should include when, in fact, that may not be what the community wanted. The commission suggested that the consultant prepare a plan for providing sewer in both Hadlock and along Rhody Drive by the September 30 due date. Randy Kline stated that the public input the commission had received indicated an interest by at least some property owners for some sort of expansion out to Rhody Drive. He stated that if it was not possible at this time, we should figure out when it would be possible. The commissioners were in agreement that they would not like to move too far along with the sewer planning in one area and leave out another area that had an interest. Robert Morgan commented that, while the sewer service may be phased with the Hadlock core being the first phase, the second phase along Rhody Drive may need to come along right afterwards.

Randy Kline and the commissioners discussed bringing the consultant to a Planning Commission workshop before he got too far along. Mr. Kline suggested that the full commission hold a workshop with the consultant on September 3. It would be a working session with the Planning Commission.

It was noted that the public hearing on the site specific amendments would be on August 20. It may be necessary to complete the commission's deliberations/recommendations on either September 3 or September 17. Randy Kline stated that if the consultant came to a workshop with the commission on September 3, it would take a good portion of the meeting. Josh Peters noted that a good portion of the meeting on September 17 should be devoted to the agriculture lands proposal. Staff and the commissioners discussed the other suggested Comp Plan amendments that were coming forward and the fact that the staff report and recommendation on them was due on September 17.

The commissioners and staff discussed the proposed questionnaire for the UGA. It was agreed that it should go to both residents and businesses. They discussed actually going to businesses with a questionnaire and asking the questions in person. It was agreed that the UGA Committee would meet on August 13 to help staff draft the questionnaire.

Tom McNerney suggested that the PowerPoint presentation possibly should be modified to focus more towards the people. It seemed to be the old approach of the county saying "Here's what the county's got", rather than being just informative and soliciting public input. While he did not think the public's input would be much different from what the county's thinking was, it needed to come from them rather than from the county. He suggested that the UGA Committee also discuss how to modify the presentation at the August 13 meeting.

The meeting was adjourned at 9:30 p.m.

F. APPROVAL OF MINUTES

These minutes were approved this _____ day of August, 2003.

Thomas McNerney, Chair

Cheryl Halvorson, Secretary