

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR SEPTEMBER 3, 2003

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#### **A. OPENING BUSINESS**

The regular meeting was called to order at the WSU Learning Center at 6:30 p.m. by Chair Tom McNerney. Planning Commission members present were Edell Sokol, Dennis Schultz, Phil Flynn, and Eileen Rogers. Jenny Davis and Robert Morgan arrived at 6:35 p.m. David Whipple arrived at 7:00 p.m.

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

There were about eighteen members of the public present. Those who signed the guest list were Jim Lindsay, Gary and Mari Phillips, Kris Maki, Gerald Ulinbyr, John Coleman, Kara Lee Monroe, Rebecca Maki, Rich Maki, Wes Reed, and Dinah Reed.

The chair suggested revising the agenda to include election of officers, a report from the Agriculture Lands Committee, and a discussion of the Planning Commission's 2004 budget. The commissioners agreed to revise the agenda.

The chair invited staff updates.

Al Scalf reviewed the four Hearings Board final decisions and orders. One was on the Tri Area UGA, one was on the Fred Hill Materials mineral resource lands overlay, one was on the Brinnon Sub-area Plan, and the fourth was on the Glen Cove LAMIRD. He reported that there were three motions for reconsideration filed with the Hearings Board, two by the county and one by an appellant. One from the county was on the Brinnon Plan concerning the bulk and dimension issue, among other things. The other from the county was on the Fred Hill Materials MRL SEPA analysis asking for clarifications. The third was from appellant People for a Livable Community regarding Glen Cove concerning bulk and dimension and intensity. Tom McNerney asked if there was any motion for reconsideration on the UGA appeal. Mr. Scalf replied that there was not, so that decision stood unchanged. Mr. McNerney stated that the decision basically told the county to continue with the work it was already doing on the UGA.

The commissioners reviewed the minutes for August 20, 2003. Based upon a suggested clarification by the secretary, the minutes were approved as corrected.

The secretary announced that DCD would be advertising the vacant Planning Commission position in District 3 again and urged the commissioners to assist in the recruitment effort.

The chair invited public comments on any issues before the Planning Commission. He stated that the commission would probably allow public comments during the UGA discussion. There was a comment complimenting the staff on their handling of the UGA appeal.

#### **B. DISCUSSION ON UGA SEWER PLANNING**

Al Scalf introduced Marc Horton, the consultant for the general sewer planning in the UGA. Marc Horton provided information on his background and experience.

Marc Horton stated that his main task was to do general sewer planning for the Tri Area. He stated that he had wanted to do that work for years,

stating that there had been a general sewer plan developed for the area in 1980 which was never implemented or updated. He stated that his mission was to do general sewer planning and also to look at some issues related to septic systems and the capacity of the area to handle septic systems, because not all of the area, at least in the preliminary thinking, would be part of the sewers in the long term.

Marc Horton explained the things that he would not be doing. Those things included not doing public outreach or capital facilities planning. He explained that he would be doing general sewer planning. That information would be provided to the people doing the capital facilities planning for inclusion in their work.

Marc Horton stated that a general sewer plan was required by law for any jurisdiction thinking about getting into providing sewer. It was basically a feasibility study for sewer systems. He stated that the way it was set up was that you could plan for all or any part of a county. He stated that they had talked all along that we were not going to plan for the entire UGA. They were going to target an area within the UGA for sewer planning. Mr. Horton stated that his personal and professional interest in doing this planning was to do a sewer system that was affordable. It needed to be small enough to be affordable to serve the customers today, but it also needed to be flexible enough to be expanded in the future as the need arose. He stated that it was not an easy task because it was an area that was already served by septic tanks. The restrictions on those septic tanks were imposed by state health regulations and local policy and growth constraints through land use regulations. He stated that all of the assumptions based on health codes were that only a certain density could be handled beyond which something bad would happen. He stated that the reason he thought it was a difficult assignment was that, right now with a few exceptions, there were not a lot of septic problems. There were growth issues in that area. However, there were people who were on both individual and community systems today that were basically working, but they would have to switch to another system and pay for that switch in order to allow for growth in the future. Mr. Horton stated that, when he talked to people about sewer planning in the Tri Area, he tried to remind them that it was all about the future. It was not about what was there today; it was about what could be there tomorrow and in the future. He stated that the "trick" was to figure out the situations that groups and individuals were in, land use classes and what they were facing, and try to come up with a system that was affordable and scale-able. The system must meet both current needs and be able to be expanded to meet future needs.

Marc Horton explained the process in general sewer planning. Things to consider were things like densities, populations, land use, flows today, and estimating flows in the future. He stated that a very important piece of that planning was how big an area was being planned for. He referred to a map of the UGA, stating that right now they were not planning to sewer any single family residential areas. They were not trying to fix problems because there were not a lot of problems now. He stated that for right now, they were concentrating on existing commercial, some public use, light industrial and multi-family. He stated that while there were working systems in those areas today, if you put a sewer system in there, it would provide a much greater opportunity for density improvements. It would provide for more density and more growth in that core area.

Marc Horton stated that, while they were not looking right now at Rhody Drive, they did not want to foreclose that option. He stated that one of the things about planning, if it was done right, was to consider different options. If the answers you got for some options were not feasible, then you needed to probe some other options. He stated that it might be that a sewer system along part or all of Rhody Drive might make sense economically. It may provide density to those properties along with the Hadlock core and make the whole project more feasible. He stated that he did not know that right now.

Marc Horton stated that the other important issue was Indian Island, stating that they had a waste water system, and they had plenty of room, and they had a current marine outfall. He stated that they needed to maintain that. He stated that he was working with the PUD and the Navy about maintaining that system.

Marc Horton stated that in typical planning you started with criteria. After developing the criteria, you would move through some actual scenarios and develop a draft plan document that would eventually go to the BOCC. He stated that the review process, by statute, required a review committee. He reported that Randy Kline was working on organizing that review committee.

Marc Horton handed out copies of the WAC that addressed general sewer planning. He stated that a general sewer plan was a feasibility study that required a level of detail to allow you to move on to an engineering report. He stated that an engineering report was another level of detail that was just short of actual plans and specifications for the facility. He explained that engineering reports were fairly detailed and covered all the options in order to make sure that the option you selected was the one you wanted. He stated that they would do some alternatives analysis in the general sewer planning, but it would be more at the feasibility level to see if the alternatives might work. Once that happened, you would move forward to the engineering reports. Therefore, the level of detail of a general sewer plan was a precursor to an engineering report.

Marc Horton stated that one aspect of the general sewer plan was to determine the area to be served. He stated that there were three aspects to general sewer planning. One was collecting the waste water. One was treatment after it was collected. And the third was disposing of the treated waste water.

Marc Horton stated that most collection systems used gravity, although that did not always work due to the geography. Another possibility was the STEP system, which used pumps so that you would not have to rely on gravity.

Marc Horton described different ways to treat the waste. He then described different types of disposal systems.

Marc Horton stated that they would be going through each of the possible systems once they established the area and the flows. He stated that one of the last things to determine was the cost. He stated that there was no point in coming up with solutions that no one could afford. He stated that they would focus on the core kind of services, something that would deal with today's issues and allow growth potential and allow for the creation of the densities that we foresaw for those areas.

Marc Horton invited questions.

Eileen Rogers stated that Mr. Horton had not gone into the useful life of the existing septic systems. She asked him to address that issue. Marc Horton stated that he was going to ask staff for help in getting information on the systems in the core areas under consideration. He stated that the useful life of those existing systems would vary depending upon soils, maintenance, etc. He stated that another way to look at flow data was to try to get the winter water use data for the core area. He thought that would give him a good indication about what kind of waste flows he could expect today.

Robert Morgan stated that most of Mr. Horton's discussion was limited to the core area [of Port Hadlock]. He stated that most of the UGA Committee's discussion had also included the Rhody Drive corridor. They felt there were enough of the same kinds of businesses and industry and uses and, potentially, the same kind of expansion as would occur in the core area. He expressed discouragement that most of the study was being limited to the Hadlock commercial core when we had almost the same type of activity happening along Rhody Drive with the same potential for expansion and job creation. Marc Horton urged Mr. Morgan to not get too discouraged. He stated that he was thinking somewhat along the same line as the committee. He stated that we did not want to create something we could not afford, however. Therefore, they were looking at a smaller area. He stated that in saying "looking at", it did not mean they would finish the plan on just that smaller area. However, at least initially, he wanted to see what it would look like if they served the smaller area. Mr. Horton stated that he thought we almost had to look at Rhody Drive, if for no other reason than to find out that it was not do-able. While he was thinking of the costs, he was also thinking of potential customers who would pay for it and lower the costs. He stated that, while he needed to discuss it with Mr. Scalf, he thought it needed to be considered to determine if it would help or hurt the finances. Mr. Horton stated that the issue would be a question of how many potential customers could be brought on, and the depth of development, etc., versus how much it would cost to pick that waste up and treat it. It would be a balance.

Dennis Schultz asked for further information about the Indian Island waste plant. Marc Horton responded that the positives of the Indian Island system were that it had an existing system and existing outfall and existing infrastructure. If you could tie into that system, you might defer a lot of the costs. Also, if you decided to get out of the water and go land disposal, there was an environment there that was highly controlled so that you could do land disposal. He stated that there were advantages and disadvantages to Indian Island. Mr. Horton thought the biggest disadvantage was that everything would have to be pumped to the island. He stated that they would be looking at the costs. He thought it was kind of similar to the Rhody Drive question.

Tom McNerney asked about the Alcohol Plant area. Marc Horton replied that it was in the UGA area and would be planned for. He stated that he needed to pursue some further discussion about their future growth plans.

In answer to Tom McNerney's question, Marc Horton stated that general sewer planning was required by law. Mr. McNerney stated that just because it was a UGA, it did not mean that it had to be served by sewer. Mr. Horton agreed, stating that a good example of that was Carlsborg. Mr. McNerney wanted it to be clear that, just because we were only considering sewer for the core, it did not negate the rest of the UGA from being treated as a UGA. Mr. Horton stated that another assignment he had was to look at the capacity for septic.

He stated that he was doing that now based on soil limits. He stated that the biggest concern was that there had been waivers to the land requirement under the regulations. The concern was that the regulations were set up to protect either the public health or the environment. Mr. Horton stated that if you were violating the tenets of those regulations, either one of those was not too good. He stated that he would be working with the Health Department and DCD on those issues. One information source was the water use in order to get at waste water flows. He stated that he had already taken a look at soil types and land limitations and potential population, although he had to back out the sewer area before finishing.

Tom McNerney stated that Mr. Horton was doing the general sewer planning. He asked if Mr. Horton's contract included any detailed study. Marc Horton replied that it did not. It included just the general sewer plan and the scoping on the overall Tri Area septic situation.

Phil Flynn asked about any potential for something that was outside of the UGA but was a community facility, such as the high school, to be included in a sewer system. Marc Horton replied that the Hearings Board had ruled that a sewer line could not be extended outside a UGA boundary because sewer was seen as an urban service. He added that you might be able to do it if there was a health risk, however. If there was a health risk, it may be possible to tight line from the UGA out to the subject area. Tom McNerney asked if that also applied to new construction. Mr. Horton replied that was even "trickier". It spoke to the hard work that had gone into the argument that the area had urban characteristics right now. If you started stretching that out, you would have to make the same defense.

Edel Sokol asked for further clarification about how a STEP system worked. Marc Horton explained that the solids would be collected and removed from the waste stream and taken to a treatment plant.

Edel Sokol asked if it would be possible, as an alternative to hooking up to the core area sewer system, to form an LID (local improvement district) for the Rhody Drive corridor to develop a separate sewer system. Marc Horton replied that it was possible. He stated that they had not talked about methods of payment yet. He stated that once the costs were known and whether it was feasible, he would be looking at payment methods.

Tom McNerney asked for further information on the review committee, noting that it was more of a technical review. He asked if the purpose was to review feasibility or whether it was for starting a sewer district. Marc Horton replied that it was a review committee for the general sewer plan. It was intended to review and actually pass along the general sewer plan to the BOCC once they agreed it was a plan worth presenting.

Robert Morgan stated that when Carlsborg put their financing plan together for their sewer system, they developed a comprehensive list of possible grants and other financing from various agencies to help with the costs. He asked if Mr. Horton would do the same type of thing. Marc Horton replied that the list was pretty standard, but making money out of that list was the problem. He stated that money, especially grant money, was really hard to get. Mr. Morgan asked if there was an equivalent to federal money for transportation services available for sewers for health and environmental reasons. Mr. Horton replied that there were a few. He stated that the one that most closely resembled what Mr. Morgan referred to was the USDA program.

He stated that there were other government programs as well, including direct appropriations.

Al Scalf stated that Mr. Horton had been working with Larry Fay from Environmental Health. Mr. Scalf asked if Mr. Horton could describe that work. Marc Horton stated that Mr. Fay had basically asked the question "How close to the edge am I?" given the number of variances the county had granted for septic permits. Mr. Horton stated that the population forecast was for 5,000 people in twenty years for the UGA. The question raised was if we allowed all of that additional population (approximately 2,000) over the twenty years to be on septic systems, given the soil types, whether the land could support the additional impact. Mr. Horton stated that Mr. Fay asked for a cursory analysis and opinion. Mr. Scalf stated that his point relating to the question was the previous platted area at an urban density from the 1890's, and if you built out at urban densities and there was a critical aquifer recharge area [CARA], whether there was a threshold or point where the CARA would be adversely affected. Mr. Scalf stated that a lot of the environmental information was coming forward concurrent with the UGA planning. Mr. Horton explained the comparison work he had done to try to determine the carrying capacity. He thought he could arrive at a crude number for planning purposes. Tom McNerney asked if that was something Mr. Horton was intending to do with his study. Mr. Horton replied that it was.

Tom McNerney asked how far along Mr. Horton was in his work. Marc Horton replied that he was just working on the planning criteria now. He stated that he had a September 30 deadline for those criteria. Then they would start on the planning documents.

An audience member agreed with Robert Morgan's comments about including the Rhody Drive area. He thought that was important. Marc Horton responded that getting such information was one of his needs, although he was not doing public outreach. Tom McNerney stated that the Planning Commission was trying to do that outreach and get input from the community about what they wanted and about their future plans. Mr. Horton stated that he needed to consult with staff about how we could get, through the outreach program, information that was useful from different blocks of people. Mr. McNerney stated that the commission and UGA Committee had been hearing strongly that we needed some evaluation of the Rhody Drive area. Mr. Horton stated that his conversations with staff had been more focused on setting up the scope of things, so that issue had not been discussed too much. He stated that he thought Rhody Drive was just like Indian Island. It deserved at least some cursory analysis. He stated that he needed to get some kind of handle on what the potential was in the Rhody Drive area.

Tom McNerney stated that Mr. Horton was considering multi-family residential in the orange areas on the map. Marc Horton replied that he was. Mr. Horton stated that there was draft criteria being developed and he had not studied them thoroughly yet. He stated that his hunch was that he would be considering the densities that had been provided to him. Mr. McNerney stated that there may potentially be other areas of high density residential. Mr. Horton stated that the thing about sewer was that, once it was in, it had a tendency to grow.

An audience member asked if Mr. Horton, in his analysis of the core area and Rhody Drive, had made any growth assumptions about which areas would likely re-develop or develop first. Marc Horton replied that it was a good question. He stated that they had to somehow get a handle on what was there

today and then talk about how they would convert that onto the system. He stated that the existing development had functioning systems, so the issue was how to convert them and get them onto the sewer system. Mr. Horton stated that usually what drove that was the people wanted to do something with their property, such as expand a business. He stated that part of the information gathering process was to talk to people about their future plans. He cited the example of the Old Alcohol Plant, where they really wanted to do some things but could not until they got sewer. Mr. Horton stated that was the kind of information he needed to have. He stated that it was truly based upon assumptions based on the intelligence he could get. Mr. Horton stated that they would not be doing a population analysis within the subject area because it was mostly commercial, industrial, and multi-family. Instead they would be looking at build out of the commercial core. Concerning build out, Mr. Horton stated that it did not mean it would be built tomorrow. He stated that he wanted to consider a system that could start small and be expanded and added to over twenty years.

### C. ELECTION OF OFFICERS

Tom McNerney opened the floor to nominations for Chair. Tom McNerney was nominated.

Dennis Schultz moved that the nominations be closed. Eileen Rogers seconded the motion. Hearing no objections, the Chair closed the nominations and called for a vote.

Tom McNerney was elected as Chair with a vote of seven in favor and one opposed.

Tom McNerney opened the floor to nominations for Vice Chair. Eileen Rogers was nominated.

Dennis Schultz moved that the nominations be closed. Edel Sokol seconded the motion. Hearing no objections, the Chair closed the nominations and called for a vote.

Eileen Rogers was elected as Vice Chair with a vote of seven in favor, none opposed, and one abstention.

### D. DISCUSSION/RECOMMENDATION TO BOCC ON SITE-SPECIFIC COMPREHENSIVE PLAN AMENDMENTS

Because the majority of the audience members present were interested in one particular amendment, the Planning Commission began their discussion with the **Phillips/Maki** site-specific amendment, **MLA03-231**.

Al Scalf referred to the matrix on Page 2-19 and 20 of the staff report where it said that the rock met the Washington State Department of Transportation specifications for degradation. He stated that DCD had received a fax from the applicant related to the quality of the rock in this deposit. Mr. Scalf stated that degradation was an important element for, specifically, public projects. He described the state DOT engineering standards for various components of road and bridge construction of degradation, which was hardness and longevity. He stated that the number was 15. As a result of a question raised by the public, Josh Peters stated that staff now suggested that the statement be changed to state "may meet" state specifications. Mr. Scalf stated that the state specification was for public projects. However, it was

not a requirement for private projects, such as driveways. Therefore, the county did not require degradation testing for private projects. Mr. Scalf reported that Mr. Phillips had provided sample testing information. He reported on those tests, which indicated varying test results. In some areas of the quarry, the rock may meet WSDOT specifications while in other areas, it may not. The range of degradation for Penny Creek Quarry was from 10 to 31. For comparison, the Mats Mats Quarry test result was a 5 and the Shine Quarry was 2. Mr. Scalf stated that the main point was that staff suggested that the statement in the staff report be that it "may meet" standard specification for WSDOT compliance.

Tom McNerney referred to a comment letter, part of which said that staff was in the Phillips' pocket. Mr. McNerney stated that it was a damaging accusation and, if any Planning Commissioner knew of any collusion between the staff and the Phillips, they should say something now. Josh Peters reviewed the actual letter and the specific language in the letter, which said that the Phillips' had the "county" in their pocket. He reported on his investigation into the matter. He referred to the statement in the letter that he (Mr. Peters) had said that Mr. Phillips had charisma. Mr. Peters explained the situation that had occurred.

David Whipple expressed his being uncomfortable with discussing this kind of topic in the public venue. He excused himself from further discussion on the topic. Tom McNerney stated that Mr. Whipple had brought up similar things in the past. Edel Sokol stated that this was the type of thing that should be discussed publicly because the comment was made in the public arena. Robert Morgan stated that too often we heard of undue influence on public bodies. He thought that any time any kind of accusation or inference like that was made, it was best to air it in the public eye so that everyone could hear what was said and how it was resolved. Mr. McNerney stated that he wanted to bring up the issue because he did not want there to be any incorrect implications regarding the processing of the application. He stated his satisfaction with the explanation. Mr. Whipple returned to the meeting.

Al Scalf stated that the other issue the staff had been discussing with the Phillips' consultant was that of the surrounding parcels and the criterion in the UDC about parcel size on the perimeter of the proposal. He encouraged the commission to ask Mr. Phillips if there was a position by the family on the surrounding parcels. He stated that he had discussed the long, skinny lots between Penny Creek Road and Highway 101 with the consultant. He stated that essentially staff was evaluating that one requirement concerning the surrounding properties. Mr. Scalf stated that Section 2 of the UDC defined "surrounding area" and "adjacent". He stated that staff even went so far as to look at some Hearing Examiner decisions and how he applied that criterion.

Tom McNerney asked if any commissioners had any objections to inviting Mr. Phillips to address the issue. There were no objections.

Gary Phillips stated that there may be a problem with the wording about "surrounding" or "adjacent". If that was a problem, the two slender parcels between Penny Creek Road and Highway 101 would be the issue. He stated that the two parcels totaled about 4.2 acres. He stated that they would need to do a boundary line adjustment [BLA] with those two parcels and about 0.8 acre of a parcel across Penny Creek Road in order to make a 5-acre parcel to meet the criteria. Mr. Phillips stated that they recommended that, if staff determined it was a problem, they would remove the slender parcels from the MRL along with the 0.8 acre portion of the other parcel to meet the 5-acre

minimum. He recommended that it be a condition of approval. The issue was the criterion that required the MRL be surrounded by parcels of a minimum size of five acres. He stated that the Assessor's office had indicated that it would be acceptable to do a BLA to take the additional land needed from the parcel across Penny Creek Road to get the 5-acre minimum parcel needed.

Jenny Davis stated that the attorney for Mike Whittaker had said that, if you did not consider the road, there were smaller parcels on the other side of the road, which meant that the criterion about 100% of the surrounding property be a minimum of five acres in size could not be met. The parcel at issue was 3.66 acres in size and appeared to be owned by the DNR. Al Scalf stated that county and state roads had an Assessor's parcel number assigned to them, so they could be considered a piece of real property. He stated that, in the past when considering other MRL determinations, staff had jumped across roads and examined parcels on the other side of the roads.

David Whipple stated that he could not recall any time when the county had used a road to define anything other than commercial property boundaries.

Jenny Davis asked if staff was suggesting that the road would be considered part of the boundary and not any properties on the other side of the road. Al Scalf stated that he was presenting it to the Planning Commission for the commission to choose how it would do it. He clarified that, staff-wise, they would not consider the road. Ms. Davis stated that if you did not consider the road, then the MRL would not be surrounded on 100% of its perimeter by parcels of a minimum of five acres. Mr. Scalf stated that he just wanted the Planning Commission to be aware that the Assessor gave roads a parcel number and they were listed as a piece of real property.

Al Scalf suggested that the matter be referred back to staff to evaluate the surrounding parcels issue. Also he suggested that the Phillips put in writing their suggested revision so that staff could evaluate it as well.

Phil Flynn moved that the matter be referred back to staff until the next meeting. Robert Morgan seconded the motion which carried with a vote of seven in favor, none opposed, and one abstention.

Jenny Davis asked about the request from the applicant that the current hours of operation be grandfathered into this application. She asked for staff's opinion and/or recommendation about that request. Tom McNerney stated that the first thing the Planning Commission needed to know was if the staff was recommending that, if the MRL was approved, they lose their present grandfather status or if it would lose the grandfather status when they came in for a new project. Al Scalf stated that there was an existing MRL right now and it had some associated activities, which were legal pre-existing or grandfathered. Mr. McNerney asked if the MRL approval was contingent upon the loss of the grandfather status and everything would be done under the UDC. Mr. Scalf stated that, under case law, the county essentially applied the UDC to all of the operation. Ms. Davis stated that the applicant had requested specific conditioning language that would allow them to do truck loading outside of the UDC hours of operation requirements. She asked if staff had discussed that request. Mr. Scalf stated that Section 4.24 of the UDC was the applicable section. It was very clear about the hours of operation. If they wanted to do some actions outside of those hours, they could request an extension in writing of the UDC Administrator, and the county would do an evaluation on a case by case basis.

Jenny Davis stated that there was a lot of discussion about decibel testing. She asked if there was ever an occasion where the county would do the decibel testing. Al Scalf stated that the county itself would not. He stated that, at the project level, the county would require the applicant to engage a consultant to prepare a professional report.

There being no other discussion of the Phillips/Maki proposal, the commission moved on to the next site-specific amendment.

**MLA03-189, ANE Forests of Puget Sound, Inc.**

Josh Peters stated that the staff recommendation was unchanged for this application. He stated that the staff recommendation was to approve the redesignation of the subject property from RR 1:20 to RR 1:10 subject to the fact that any subdivision would occur with a Planned Rural Residential Development [PRRD], thereby making 75% of that area set-aside as open space. Mr. Peters reported on his discussion with the owner of the land, who was from the Netherlands. He explained the problem with the fact that the property was actually two parcels, not one. Mr. Peters stated that the implications of that were not much. He stated that during the subdivision process, those two parcels could be reconsolidated back into one and then subdivided into the four units with the caveat, according to the staff recommendation, that 75% be open space, including all of the property west of the highway. Mr. Peters reported that the property owner seemed to be satisfied with that. He stated that he informed the property owner that he could make any comments to the BOCC if there was any further problem.

David Whipple moved that the Planning Commission approve the application per the staff recommendation. There being no immediate second, Mr. Whipple withdrew the motion.

Phil Flynn moved that the Planning Commission accept the staff recommendation on MLA03-189 as discussed by staff with the property owner. Jenny Davis seconded the motion.

Edel Sokol asked for further clarification about the staff recommendation. Josh Peters reviewed the recommendation which included the condition that the subdivision be done through the PRRD provisions and that the property west of Highway 19 be in open space.

There being no further discussion, the motion carried unanimously.

**MLA03-225, Donna Pall**

Josh Peters stated that this application was the one he had informed the Planning Commission might be withdrawn. He believed that the process was currently happening whereby the applicant may still withdraw her application, although that had not officially occurred. He suggested that the Planning Commission defer a decision on the application until the next meeting, at which time the commission would know whether Ms. Pall had withdrawn the application.

Eileen Rogers moved that the Planning Commission defer a decision until the next meeting. Phil Flynn seconded the motion which carried unanimously.

**MLA03-182, Northwest School of Wooden Boat Building**

Josh Peters stated that the application was to re-designate approximately half of a 5-acre parcel from RR 1:5 to the Port Hadlock Rural Village Center commercial district. The re-designation would include the entire parcel in the RVC instead of splitting it between two zones.

David Whipple moved that the Planning Commission recommend deferring this decision to the UGA planning process in order that it could be looked at in a cumulative fashion. Jenny Davis seconded the motion for discussion purposes.

Tom McNerney stated that it would effectively be rejecting the application. David Whipple responded that it would put the issue into the UGA planning process and acknowledged that it would delay a decision.

David Whipple stated that the sub-area planning process was designed to look at an entire regional area and cumulatively assess the needs and planning goals for that area in its entirety. He stated that this was a piece of property right in that area that we were currently looking at in a community planning process. He thought it seemed inappropriate to take one specific part out of it and to look at it separately. Mr. Whipple stated that another concern was that there was no built environment in that new area. If you went outside of the UGA planning process, we needed to use those other criteria. If we stayed inside the UGA planning process, there were different options on the criteria. He doubted that this amendment would be appealed, although it may. Mr. Whipple stated that the rationale for pushing this application through was that they may have possible grant options at some time in the future. That was not a criterion for approval. He stated that, in looking at the whole history for the parcel, it was split zoned at the request of the property owner. He thought it would be a much better decision if it was made in the UGA planning process.

Tom McNerney stated that this would be an expansion of the LAMIRD. In looking at the criteria, he thought it would be out-fill rather than infill. Concerning the issue about split zoning, Mr. McNerney stated that there were other parcels in the county that were split zoned. He pointed out that the Pall application, if approved, would split zone a parcel. Yet the policy the commission had heard was that split zoning was not appropriate. He questioned the consistency. Mr. McNerney stated that, while he thought it was a popular issue with the community, the county needed to show some consistency. He did not think the county had ever said it would include everything in one zone that was a split parcel. He did not think that was a rationale for approval.

Eileen Rogers spoke against the motion. She stated that the Planning Commission had heard the testimony about what they were trying to do there. She stated that it would have a beneficial impact on the community. She hoped the commission would not make its decision just based on consistency and would use common sense. Tom McNerney agreed that it may be good for the community, but the application would not be lost if it was deferred now.

Edel Sokol stated that, while there was no criterion about grants, there was one about the impact on the community for economic development for the good of the community. She stated that she would vote against the motion.

Dennis Schultz spoke against the motion as well. He stated that the question was whether there was any question about when the UGA was implemented that

this property would still remain split into two different zones. He thought it would be rezoned anyway. Al Scalf stated that, in the draft UGA map, it was already designated commercial. Mr. Scalf stated that it was staff's opinion under the Glen Cove FDO that it would meet the criteria for LAMIRD expansion under the argument of a logical outer boundary. Josh Peters added that the Brinnon Plan FDO also spoke to the issue.

Tom McNerney asked if the latest Hearings Board decision on the UGA appeal upheld the UGA but said the county must continue doing the UGA planning. He asked if the subject area was planned to be included in the sewer. He stated that under the UGA, it would not have to have sewer in order to be able to do what the applicant planned. He asked when the tentative rezoning would take place or whether it was already rezoned. Al Scalf responded that the Hearings Board did not find the county non-compliant, nor did they validate the UGA. They remanded it back to the county to do the capital facilities planning. Mr. McNerney stated that you were not required to have sewers in everywhere in the UGA. He stated that this was one place where the applicant said they could do their development without sewer. So in 180 days, if the planning was not done, it was possible that they could go ahead anyway. Mr. Scalf stated that the whole sewer discussion earlier in the meeting had concentrated on the Rhody Drive area and the core. However, he thought the South Seven area, the Old Alcohol Plant, and the Wooden Boat School area also needed to be looked at because there was a demand. Mr. McNerney stated that his point was about how far out ahead the Wooden Boat School actually was since the county had gotten the Hearings Board decision on the UGA. He noted that the boat school had indicated they could not wait two or three years for sewer to be provided. They said they could stand alone without a sewer. Mr. Scalf stated that essentially for the boat school, it was the LAMIRD this year. Then the UGA planning work would go into 2004. The next possible decision would be in December, 2004, which was the UGA implementation with development regulations that would allow that commercial site to be developed as a school site. Mr. Scalf stated that he thought the Planning Commission was weighing when they could apply for the school. Mr. McNerney added that they would also find out sooner, if it was appealed, whether they would be sustained. Mr. Scalf agreed. He added that under the vested rights doctrine and the presumption of validity upon adoption, if they quickly vested, they would be vested under those standards in effect on the date of a complete application.

There being no further discussion, the motion to remand the Wooden Boat School's application over into the UGA planning discussion failed with three in favor and five opposed.

Eileen Rogers moved that the Planning Commission recommend approval of MLA03-182 with the staff's recommendations. Edel Sokol seconded the motion. There being no further discussion, the motion carried with five in favor and three opposed.

There being no members of the public remaining present, the commission deleted the second public comment period.

#### **E. AGRICULTURE LANDS COMMITTEE UPDATE**

Dennis Schultz reported that the Ag Committee had reviewed Karen Driscoll's work to date and suggested some revisions. She had completed those revisions and emailed them to the committee members for further review. It was agreed that the Ag Committee would review that work. If it was accepted, it could

go to the full Planning Commission and be used for the staff report and for public dissemination. The committee members discussed whether to meet and decided that, if the work was satisfactory in their individual reviews, no meeting was necessary.

Josh Peters noted that the staff report and recommendation was due for publication on September 17. Al Scalf announced that the ag issue would be coming before the BOCC on September 8 with a presentation by staff on the process to date.

#### **F. ADJOURNMENT**

The commissioners reviewed the preliminary budget for 2004 for the Planning Commission.

The agenda for the next meeting will include completion of the commission's recommendations on the site-specific Comp Plan amendments and a presentation of the staff report and recommendation on the suggested amendments.

Al Scalf reported on the staffing changes in DCD in the Development Review Division and in the Administrative section. He reported that the county's most senior building inspector was on an extended sick leave.

Al Scalf reported on the proposed budget for the Long Range Planning division. That budget came from the general fund whereas the DRD budget was funded through fees. He stated that the BOCC would have some very difficult decisions to make. Mr. Scalf stated that Mr. Peters had been successful in getting a grant from the state for the Shoreline Master Program update. That would allow the county to hire someone to do that work.

Josh Peters reported on the compliance hearing before the Hearings Board on the seawater intrusion and critical aquifer recharge areas issues. He stated that it was hard to predict what the Hearings Board would find. He described the process of the hearing. He stated that the Hearings Board had indicated that it could be up to ten weeks before a decision came out.

Edel Sokol asked how much the scenario had cost in tax dollars. Some commissioners thought it had been many thousands of dollars to address this one appeal. Ms. Sokol stated that the appeals had taken staff away from other needed work.

Al Scalf reported on a lawsuit that had been filed against the county over a stormwater permit for a Forest Practices Act Class IV conversion permit. He stated that the record that was being generated for the suit was so extensive it was paralyzing the department. Some of the requests were frivolous and pre-dated anything that was pertinent to the case, including personnel records for twenty staff people. It had put the department way behind in processing lawful permits. He offered the opinion that it was a waste of taxpayer money and was outrageous. Mr. Scalf stated that he was not against arguing UDC Section 6.7 regarding stormwater and forest practices, but this suit was ridiculous.

Josh Peters announced that on September 16 a Short Course on Local Planning was being offered in Kitsap County. It was agreed that the announcement would be mailed to the commissioners.

The UGA Committee met with the secretary after adjournment to set their meeting dates and schedule.

The meeting was adjourned at 8:50 p.m.

**G. APPROVAL OF MINUTES**

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

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

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