

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR DECEMBER 3, 2003

- A. OPENING BUSINESS**
- B. UPDATE ON UGA PLANNING FOR PORT HADLOCK & IRONDALE**
- C. DISCUSSION OF PLANNING COMMISSION PROCESSES**
- D. ADJOURNMENT**

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 Phil Flynn, Eileen Rogers, Robert Morgan, Dennis Schultz, Tom Murray, and David Whipple. Edel Sokol and Jenny Davis were excused.

DCD staff present were Randy Kline and Cheryl Halvorson, secretary.

There were no members of the public present.

The minutes for November 5, 2003, were approved as submitted.

The Chair invited staff updates. Randy Kline stated that he did not have much to report, adding that it was partly because of the efficient work of the Planning Commission and its committees.

Randy Kline reported that the BOCC had adopted all five of the Comp Plan amendments, following the Planning Commission recommendations. He reported that the BOCC had added a sixth condition to the Phillips/Maki MRL. They required that the proponent move the rock stockpiles, the crusher and sorter from the non-compliant rural residential parcel between Penny Creek Road and Highway 101 into the MRL. Tom McNerney commented that he did not think the BOCC required the truck scale to be moved. He stated that there had been some discussion about the rock stockpile providing some sound barrier for the operation.

The commissioners discussed the process of adding conditions to the approval of a Comp Plan amendment. Randy Kline stated that a site specific Comp Plan amendment would merely change the land use map; the conditions would not appear in the Comp Plan. However, the conditions must be implemented before the map would be changed.

B. UPDATE ON UGA PLANNING FOR PORT HADLOCK & IRONDALE

Randy Kline reviewed the materials that were handed out to the commissioners relating to the UGA open house on November 18. He noted that the material was being provided to the BOCC as well. Mr. Kline thought the list of interested parties would be useful in the future as a resource for assistance for comments on proposals for the UGA. Mr. Kline asked for comments from the commissioners about their perspective on the open house. He stated that, from staff's perspective, he thought the open house went pretty well. He stated that staff was happy with the turnout, the comments, and the general reaction of people to what was proposed in the area. Mr. Kline thought that one of the things that had been accomplished fairly well over the fall was getting the word out to the residents of the UGA that the planning process was occurring, and if they chose to participate, they could do so.

Tom McNerney suggested that the commissioners take some time to review the material before providing feedback to staff.

Phil Flynn asked what material would be going out to the public. Randy Kline replied that staff had forwarded a draft cover letter to the BOCC for approval that would go to everyone who had attended the open house. The material that would be sent with that cover letter would include the summary of the open house comment boards, the summary of the comment forms received, and a copy of the display boards. In addition, there will be a one page

informational piece insert sent out with the PUD bills to all residents of the UGA.

Tom McNerney stated that Mr. Flynn had talked to a business person in the UGA who had indicated that he had no idea this planning process was going on. Mr. McNerney stated that it may be that the business owner leased his space from the property owner, who may be the one getting the water bills. Phil Flynn stated that the business owner had indicated that people in the UGA were opposed to it. Mr. Flynn stated that was not his impression, however. He related his conversation with the business person about the process. Randy Kline stated that he would contact the person.

David Whipple commented that, in his experience on the school board, they had found that if they wanted people to come to their meetings, they would put the subject of the Redskins name on the agenda, even though their real purpose was to talk about the budget or some other topic. He suggested that staff include in the mailing a very clear description, in layman's terms, of what a UGA was and why the county was doing this. Randy Kline stated that the staff and UGA Committee developed a Frequently Asked Questions sheet which had been provided to the UGA residents. Mr. Whipple stated that we had been dealing with the UGA for years and we kept hearing the same questions from people.

The commissioners and staff reviewed the document titled "Comments from November 18, 2003 Open House Boards". One recurring comment was on the junk car issue. Randy Kline pointed out that there were some comments about providing sewer in residential areas, which he found interesting.

The commissioners and staff discussed the comment about not increasing taxes on residential properties. Randy Kline stated that since extending sewer to residential areas was not planned, the impact to property taxes should be minimal, although there may be some increase in property value. The Planning Commissioners noted a few of the concerns and comments raised. Mr. Kline stated that there was no clear message that came out of the comments.

The commissioners moved on to the "Summary of Comment Forms Received". David Whipple noted that the first bullet under #2 should be "leash" law. Eileen Rogers noted that there was a comment from a young person, which was nice to see. Another comment addressed Chimacum Creek flooding on Hunt Road. The commissioners discussed where Hunt Road was located.

Phil Flynn suggested that the people from the first interested parties list be added to the larger mailing list, although there should be no duplication.

Robert Morgan commented that the responses to Item #3, changes because of the UGA, and #4, preferences for growth, provided insight into peoples' expectations.

Tom McNerney stated that, since the summary of the comment forms only represented eleven responses, we could not draw any consensus and it was important to note that.

Randy Kline explained that "checkmark" merely meant that the person checked the item with no additional comment.

It was noted that there were several positive comments for light industrial. It was also noted that there were positive comments for multi-family units,

although there was a comment that it should not be allowed in single family areas. Eileen Rogers commented that she would have thought there would be more comments about multi-family housing.

The commissioners briefly discussed the number of people who attended the open house. Robert Morgan commented that he thought there were a number of people attending who did not sign the guest list.

Eileen Rogers pointed out the comment about extending the Larry Scott Trail to Port Hadlock in order to facilitate commuting off-road. The commissioners discussed the planning for the trail and whether there were plans for a spur into the Port Hadlock area.

The commissioners moved on to the copies of the display boards. Tom McNerney stated that the people had been asked to put stars on the map of where they lived. Randy Kline responded that the map included in the packet was just the blank map. He stated that staff was taking a computer photograph of the map that had the stars on it so we would have an electronic file of it. Mr. McNerney asked where the people had indicated they lived. Mr. Kline replied that the stars were mostly in the commercial area and in Irondale.

Randy Kline discussed what would be happening in the near future. He reported that the consultant work product that had been prepared for the transportation analysis, the stormwater analysis, and the draft of the general sewer plan that had been recommended by the General Sewer Plan Review Committee would be delivered to the BOCC on December 15. They would also be forwarded to the Planning Commission. Mr. Kline stated that those documents would be used as the basis for the amendment package for the UGA in the 2004 amendment cycle.

Tom McNerney asked if there would be costs included in the sewer plan. Randy Kline replied that the sewer plan would include costs. Mr. Kline stated that there would be an additional General Sewer Plan Review Committee meeting on December 9 to finalize their review. He stated that the committee had not made a formal recommendation on the five alternatives under consideration. He stated that an evaluation had been done by the consultants, who used a list of specific criteria to rank each of the different proposals that were possible. Mr. Kline reported that the one that scored the best was one that used wetland treatment for treating the sewage. Phil Flynn asked for further information on that alternative. Mr. Kline stated that it would be a combination of existing wetlands and constructed wetlands. He stated that the location would be in the area to the north of Chimacum Road and south of Nesses Corner Road. Mr. McNerney asked if that would pretty well take up the vacant land that was available. Mr. Kline pointed out that the subject land was not buildable anyway.

Phil Flynn raised the issue of the amount of land for the UGA, stating that environmentally sensitive areas should have been subtracted from the buildable land base. Randy Kline stated that a reduction factor had been applied. Mr. Flynn asked about the market factor used. Mr. Kline replied that the market factor used was twenty-five percent (25%).

Tom McNerney stated that a recommendation for the sewer system would be made. He asked if it would include a plant for treatment and a place for disposal and how it could be installed in increments. Randy Kline responded that one of the criteria for ranking all of the different systems being considered was the scalability, the ability to add onto the system incrementally. He stated

that we wanted a system with low up-front capital costs that could easily be added onto in the future as the need arose. David Whipple commented that he thought those were mutually incompatible goals. He thought you would have to do the property acquisition sufficient for the maximum system. Otherwise, someone could buy the land and "hold the county up" in the future when the county needed the land for disposal. Mr. Kline agreed, stating that when you were scaling the treatment area, you would need to make sure it could accommodate the maximum flows for a certain period of time. Mr. McNerney stated that he had heard the comment that we were planning for twenty years but we were thinking in terms of forty years. Mr. Whipple stated that the comments that only the commercial should pay for it was not fair unless it would be absolutely restricted from going into any residential areas. He stated that either there would need to be a large hookup fee for residential areas in the future or we should amortize the cost out to a broader area early on.

Robert Morgan stated that, while he agreed with Mr. Whipple, he thought the BOCC should seriously consider recommitting certain parts of the capital improvements budget. He stated that he thought some of the costs would have to be spread county-wide, although he acknowledged it was an unsavory idea. He stated that the county would have to look at its capital improvements budget and if it was good for the county, then we should spend the money in that regard. Mr. Morgan acknowledged that some areas of the county, such as the West End and South County, would be opposed to that. He knew that grants would help with the costs, but they would not cover the whole cost. Tom McNerney stated that there was a tax fund that was set aside to do capital improvements to stimulate economic development. That may be another source for helping to pay for a system or it may be used to leverage grants.

David Whipple commented that sewer for the whole UGA would cost upwards of \$40 million. Randy Kline stated that the county was not planning to sewer any of the residential areas in the UGA. Therefore, we could not lawfully require the residential areas to participate in the funding of the sewers. Tom McNerney asked staff to explain that a study had been done about the carrying capacity of the land. Mr. Kline stated that the county Health Department had requested that we study the capacity of the residential areas. That study had been done by the consultant and he found that the residential areas had the carrying capacity to use onsite systems for the 20-year horizon and the projected population. Therefore, the county was only planning to provide sewer in the commercial and multi-family areas.

The commissioners and staff discussed whether the sewer treatment or disposal could be sited outside of the UGA. At issue was the possibility of extending the sewer down into Chimacum to the school and Tri Area Community Center. David Whipple stated that, if the county had any inclination to do that, the county should contact the school district because school funding was a huge issue and the cost of sewer would have a big impact on their budget. Randy Kline commented that he had heard the opinion expressed by individuals familiar with the GMA that extending sewer outside of a UGA to serve a public facility may be possible. Mr. Whipple pointed out that the Tri Area Community Center was a public facility.

Tom McNerney asked about transportation issues. Randy Kline stated that Public Works was reviewing the draft work from the consultant. He stated that they saw the changes that they would make for the level of service for the roads pretty much occurring whether the area was designated a UGA or not. Therefore, there were no big "red flags" regarding transportation.

Tom McNerney asked about stormwater. Randy Kline replied that it was expected that the stormwater would be handled onsite with the costs borne by the property owner.

Tom McNerney pointed out that the Sparling Well was owned by the PUD rather than the City of Port Townsend, as noted on the page concerning zoning.

The commissioners briefly discussed the Marrowstone Island water issue.

Phil Flynn raised the issue of stormwater runoff and the possibility that paving for the more intense commercial development could cause recharge issues. Robert Morgan stated that the development standards should be the method for addressing that issue. David Whipple stated that the quality of engineering for a project would have a lot to do with how effective the recharge would be. Mr. Flynn stated that every one of the commercial buildings had a parking lot, which at some point, he thought, could impact the capacity of the ground to absorb the runoff. Randy Kline stated that part of the requirements was that you must mimic the conditions that were on the site prior to development. Mr. Morgan described methods of treating stormwater using retention ponds, which would provide treatment before recharging into a stream or the ground. It also provided aesthetic improvements. He stated that once a sewer system was installed, the commercial properties would have the area where their drainfields used to be to use for stormwater treatment. Mr. Kline stated that the development standards were there because the county had adopted the DOE 2001 Stormwater Management Manual.

Tom Murray stated that the one crucial thing that everything else revolved around was that we had to determine the rate of growth. Randy Kline stated that this county had experienced less population growth than had been expected. Robert Morgan offered the opinion that economic opportunity had a lot to do with that. He stated that as long as there was no economic opportunity here, the growth rate would be slow. David Whipple stated that some areas of the county had experienced a decline in population while other areas had experienced growth.

Phil Flynn asked if the Planning Commission would get the sewer information before the BOCC. Randy Kline replied that the Planning Commission would receive it at the same time. It was scheduled to go before the BOCC on December 15. Mr. Kline acknowledged that the UGA planning was behind schedule.

C. DISCUSSION OF PLANNING COMMISSION PROCESSES

The Planning Commission moved on to other issues. Tom McNerney asked for a report on the Agricultural Lands Committee's work.

Dennis Schultz stated that the committee was going through the UDC and considering its effect on agricultural lands. He reported that the committee was currently considering permitted uses on ag lands based on the newly defined Agriculture zones. He stated that, before, ag lands were basically treated the same as residential for a lot of uses. The committee was considering each of the permitted uses to determine if they applied to ag lands or if there were some special conditions relating to ag lands. Mr. Schultz stated that an example was housing. He stated that in Rural Residential you could have a house plus an accessory dwelling unit [ADU].

However, it was common in agriculture, especially on a large farm or dairy, that the farmer provided housing for the workers. Allowing more than the primary residence and an ADU would be an exception for ag lands. Another example would be a farm that used seasonal workers and had the need to provide temporary housing for them. At the same time, the question was how to keep the people who had that extra low cost housing from turning it into just cheap apartments. Or if it was no longer used for agriculture, the question was how to keep it from turning into cheap apartments.

Dennis Schultz stated that the committee was looking at the whole UDC to see how to apply a complete sub-set for agriculture.

Dennis Schultz stated that the committee was also considering the uses relating to processing or manufacturing, including how much could be brought in from outside versus how much must be grown onsite. A related issue was how to handle a cooperative for processing a product, i.e. wool. The questions were whether the processing plant must be set up in an industrial area or whether it could be set up within the ag zone. David Whipple commented that it sounded like a cottage industry. The question was at what point it was no longer a cottage industry.

Dennis Shultz stated that another issue was a farm stand. A question being considered was at what point a farm stand became too large and was becoming a commercial store.

Randy Kline stated that these issues were all things aimed at promoting and protecting the viability of agriculture in the county.

In response to Tom Murray's question, Randy Kline explained cottage industries and home businesses. He stated that a potential drawback for agriculture was the requirement that there be a single family residence associated with it.

Tom McNerney related a conversation between Katherine Baril of WSU and a County Commissioner. Ms. Baril had stated that someone could not come into this county and buy five acres and survive on it. Mr. McNerney stated that the question relating to that was, if they could not be self-supporting but only partially supporting, on a small parcel, what protection they had to have or "right to farm" they should have. Dennis Schultz stated that the question was what standard of living the people wanted. He disagreed with Ms. Baril's comment, stating that it was possible. It depended upon what they wanted to do with the land and how intensively they wanted to farm and what products they wanted to grow. Randy Kline agreed that there were a lot of people who were able to effectively supplement their income, if not totally support themselves.

In summary, Dennis Schultz stated that the committee was basically reviewing and re-writing the UDC as it applied to agriculture, for both small and big farms. He stated that they had not set a minimum size for what could be done with agriculture, although that was something that should be addressed when people applied for zoning. Mr. Schultz stated that, depending upon the product, you could be very viable on a fairly small parcel. He cited the example of a mushroom farm on one half acre. He stated that the markets could be the local farmers market, or the farmers market in Seattle, or onsite sales, or through mail order, or to wholesalers, or a combination.

Tom McNerney raised the issue of the Planning Commission process for public hearings and interaction of the commissioners with the public. He stated that it had been brought up in the past about whether it was appropriate to have a procedure where the commissioners could ask questions of people giving testimony at the hearings. Mr. McNerney stated that one concern was that it could be intimidating to the public. On the other hand, questioning the person could provide clarification for the Planning Commission. He asked for the commissioner's thoughts on the issue.

Robert Morgan stated that in a public hearing setting, people should be allowed to make their statements. If the commissioners started responding back or asking questions, it created an adversarial situation. Phil Flynn commented that the clarification would make for better understanding for both the public and the commissioners.

David Whipple agreed with Mr. Morgan, stating that when people came to talk to the commission, the commissioners were here to listen. He related a situation early in the UGA process when the Planning Commission had heard from one person who was concerned that she would not be able to keep her chickens if it was a UGA. While that was not accurate and the commission could have made comments on it, the commission had not. However, it had been very insightful that some people did not understand what was really going on. He suggested that it may be appropriate that, after the person was finished with their testimony, the commission ask if it was alright to ask some clarifying questions of them. He suggested that, alternatively, the commission could wait until everyone had spoken to ask clarifying questions. Mr. Whipple stated that he had testified before Congressional committees and that was really an adversarial situation.

Tom McNerney stated that he had heard it done both ways. He did not know which was the right way to do it. That was the reason he had asked for the commissioner's thoughts on the subject.

Robert Morgan stated that he just thought the commission ought to be listening to the public's comments and statements at a public hearing. The commission could choose to respond at another time.

Eileen Rogers stated the opinion that it was a double edged sword. She thought that sometimes in that type of format misinformation got put out. By engaging in cross talk or discussion, it raised the level to something else. She stated that what the Planning Commission was supposed to be doing was listening. However, she thought the commissioners should be able to ask for clarifications after the testimony had been taken, but it should be done through the Chair. She did not think it appropriate for individual commissioners to personally talk back and forth with the audience because it escalated the emotion of the issue. She reiterated that the commissioners should just listen. If a commissioner needed some clarification, it would be appropriate to ask for it, but it should be done through the Chair. David Whipple commented that he thought it was staff's job to provide the clarifications.

Tom McNerney stated that one way to handle it might be to listen to the public at a public hearing and then hold a workshop at the next meeting where the commission could discuss any questions and ask staff or invited members of the public to provide the clarifications.

Phil Flynn stated that he thought the Planning Commission's role was more than to just listen. The Planning Commission should be getting the most complete and accurate information it could in order to provide that to the BOCC for their decision making. That may require the commission asking questions of the public, although you would not want to get into a debate or argument.

David Whipple stated that he thought there was a difference between public comments at a regular meeting or workshop versus public testimony at a public hearing. He thought a public hearing was a more formal situation where the Planning Commission should just be listening.

Phil Flynn reiterated that the commission's job was to get as much accurate information to the BOCC as the commission could.

Eileen Rogers stated her agreement, but added that the procedure was the issue. She thought the method to deal with the issue would be to go through the Chair.

Robert Morgan stated that the key word in "public hearing" was "hearing" and the commissioners should be listening to the public. If there was a need for clarification, then the Chair should ask for it.

Eileen Rogers suggested that a Planning Commissioner who had a question or wished for a clarification could ask the Chair to deal with it. Tom McNerney suggested that perhaps such questioning could occur after the public hearing, stating that the commissioners should keep notes during the taking of public testimony. Then the Chair could ask the particular individual for clarification of their point.

The commissioners agreed that sometimes the subject of a public hearing was emotionally charged. Tom McNerney thought that after the testimony had been taken, when emotions were more subdued, was the appropriate time to ask clarifying questions of the public. Phil Flynn disagreed, stating the opinion that when the issue or topic raised was fresh was the appropriate time to raise questions. David Whipple disagreed with Mr. Flynn, stating that after the process had occurred and the emotional level had come down was when the communication was the best and most clear.

Tom McNerney suggested that the Planning Commission could use a workshop process after a public hearing as a means of gathering more information and getting clarifications of statements made at the public hearing. He noted that a workshop situation could "backfire", however, citing the Fred Hill Materials workshop the commission had held after the public hearing on that Comp Plan amendment. The commission was criticized because the commission did not allow the Hood Canal Coalition to bring in an expert to counter the Fred Hill Materials geologist or the state geologist who were present. Mr. McNerney stated that he had thought the commission was just bringing in professionals and asking for geological information. He stated that if the commission used a workshop procedure, it would need to assure that both sides of an issue were represented so that it got into the public record.

It was agreed that the public comment periods during regular Planning Commission meetings or in a workshop setting were a less formal situation than a public hearing situation.

Randy Kline cited the example of the public hearing before the State Senate Land Use Committee. He stated that the committee members were openly questioning the people who were testifying. David Whipple stated that had been his experience in legislative hearings. Robert Morgan stated that was a different situation from the Planning Commission's public hearings. He thought that for controversial issues, the Planning Commission would hear both sides, and any misinformation would be rebutted by someone on the other side during the testimony. Phil Flynn commented that he did not agree with that viewpoint in many instances.

Phil Flynn stated for the record that it was not the Planning Commission's role to just listen. It was the commission's role to get the facts and the best information it could for the BOCC.

Tom McNerney stated that if questions were asked in a polite manner after the public testimony portion of the hearing, he thought it could work. David Whipple suggested that questions and clarifications could be directed to staff, who could then provide the information in writing at a later date. Mr. McNerney stated that if staff could not provide the requested information, the commission may ask the individual to provide the clarification.

In summary, Tom McNerney stated that the Planning Commission would try to use the approach where the commission would try to get the answers from both sides of an issue and then, before closing the public hearing, he would ask if anyone [the commissioners] had any questions. If staff could not answer, then the commission may ask the individual to answer. Mr. McNerney stated that if the Planning Commission held a workshop, the commission should make the effort to have both sides represented, even though the commission may only be seeking technical information.

The commissioners discussed the reporting on their votes. It had been suggested that the commission's votes be by role call rather than just being reported by raw numbers. Another comment had been made that the commissioners did so much work on a volunteer basis for the county and they should not be subjected to harassment by name because of their voting. It was agreed that the Planning Commission would continue to report only the raw numbers on the commission votes. It was pointed out that a role call vote could be requested by a commissioner on a specific matter.

D. ADJOURNMENT

The commissioners discussed the meeting schedules for the Planning Commission and its committees. They agreed to cancel the December 17 Planning Commission meeting. The Agriculture Lands Committee will meet on December 8 and 15 and the other meetings for the month will be cancelled. The UGA Committee will meet on December 9 and cancel the second meeting. Randy Kline stated that the Sewer Plan Review Committee would meet on December 9 at 10:00 a.m.

David Whipple asked about the airport noise overlay issue. Tom McNerney stated that the BOCC had decided to put the issue off to their January 20, 2004, meeting. Randy Kline stated that the short answer was that the issue would be coming to the Planning Commission in 2004.

Phil Flynn stated that the Port would be holding an open house in Port Hadlock on the Airport Master Plan. Staff was asked to check on the date and

time and notify the Planning Commission via email. Randy Kline stated that the real important thing about the Port getting the Airport Master Plan adopted was that when people started talking about expanding the runway and bringing in big jets, we could refer to the Master Plan and see what they were planning to do over the next twenty years.

The meeting was adjourned at 8:32 p.m.

E. APPROVAL OF MINUTES

These minutes were approved this _____ day of January, 2004.

Thomas McNerney, Chair

Cheryl Halvorson, Secretary