

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR FEBRUARY 4, 2004

- A. OPENING BUSINESS**
- B. PRESENTATION OF PROPOSED UDC AMENDMENTS RELATED TO AGRICULTURAL LANDS**
- C. ADJOURNMENT**

A. OPENING BUSINESS

The regular meeting was called to order at the WSU Learning Center at 6:35 p.m. by Chair Tom McNerney. Planning Commission members present were Phil Flynn, Edel Sokol, Eileen Rogers, Jenny Davis, Robert Morgan, Dennis Schultz, and Tom Murray. David Whipple arrived at 6:40 p.m.

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

There were no members of the public present.

The secretary announced that new, complete and updated Comprehensive Plans had been handed out. Also, new, updated UDCs would be available at the next meeting, if the revised pages were prepared in time.

Tom McNerney raised an issue concerning a correction to the minutes for January 21, 2004, on Page 6. The secretary stated that she would review the meeting tapes and make any necessary corrections.

Josh Peters announced that Randy Kline would be moving on to a position with the City of Poulsbo at the end of the month. He described some possible scenarios for filling the need in Long Range Planning [LRP]. He stated that he would keep the Planning Commission informed.

Josh Peters announced that the County Administrator would be retiring in June.

Josh Peters stated that the LRP workload would be coming to him in the short term. However, Al Scalf and Kyle Alm would be taking on some of the work, probably that related to the UGA.

Josh Peters reported on possible action by the BOCC on February 9 concerning the Brinnon Subarea Plan to address the Hearings Board order for that appeal. Mr. Peters stated that the Hearings Board had ordered (1) that the county do some additional SEPA analysis and consider that analysis in the decision making and (2) that the Light Industrial zone be addressed by making it something that would be compliant with the GMA. He stated that the county was considering a cottage industry and small scale business overlay under the "d(3)" section of the GMA. Tom McNerney stated that the acreage in question was a gravel pit and associated upland and, as it was mined, the area above the gravel pit would come down to highway level. That was the reason the people in Brinnon wanted to make the entire acreage Light Industrial. Mr. McNerney stated that the house on the upland portion of the acreage had been moved back three times over the years as the gravel pit was enlarged. Phil Flynn asked what would happen if the zoning in the Brinnon Light Industrial zone was changed to the proposed cottage industry overlay and someone wanted to site a light industry in that zone. Mr. Peters replied that if someone had made an application while it was zoned Light Industrial, the application could be processed because there was a presumption of validity under GMA. If a light industrial operation was established there and the zoning was changed, the business would become a legal nonconforming use. Mr. Peters stated that staff thought the proposed overlay district would cover a lot of the types of proposals that might fit there, so they might not even be considered nonconforming. It would depend upon what kind of operation it was. He stated that, of course, the more intense it got, the less chance it would fit into a cottage industry overlay.

Josh Peters reported that there was also some compliance activity regarding seawater intrusion. It basically consisted of reporting to the Hearings Board that the county had achieved compliance.

B. PRESENTATION OF PROPOSED UDC AMENDMENTS RELATED TO AGRICULTURAL LANDS

Dennis Schultz thanked the other members of the Ag Lands Committee for their work. He stated that staff had prepared a good summary of the committee's whole philosophy and approach to agriculture. He stated that the biggest issue was "a matter of right". Mr. Schultz stated that the GMA ranked agriculture right up there with salmon recovery and forestry. He reported that the committee worked extensively on the Use Table in the UDC. He stated that where the table said "Yes", it really meant "Maybe" and that someone would probably need a permit. Mr. Schultz stated that they created Section 4.3, which described some uses which would be considered a matter of right in the agriculture designation and would not require an approval process (a permit). He cited the example of a farm stand. A farm stand on agriculturally designated land would not require a permit. It would still have to meet the parking and other requirements of the UDC for that use, however. Mr. Schultz noted that those provisions would not apply to a fruit stand, such as the one on Rhody Drive, because it was not located on ag land; it was a commercial retail business. He clarified that a farm stand on the farm where the product was raised would be allowed without any permit.

Dennis Schultz stated that this county was not seeing agriculture on large tracts of land; it was seeing agriculture on small plots of land which were doing specialty agriculture. He thought that was the future of agriculture in many areas, including this county. Mr. Schultz stated that in order for such farmers to make a living off their land, they had to be inventive and do value added products. He stated that this proposal was an attempt to open it up for small farmers.

In response to Phil Flynn's comments, Dennis Schultz stated that people were using smaller parcels and farming higher value crops. He stated that we did not have the large pieces of land. He stated that what the proposal was addressing was the small farms through the Agriculture of Local Significance designation.

Dennis Schultz stated that the proposal (MLA04-26) contained a good chart that showed the existing UDC language, the proposed UDC language, the SEPA analysis, and the Ag Lands Committee's comments.

Tom McNerney commented that the Use Table was not included in the MLA packet. Karen Driscoll replied that the information was on the chart but it was not in the same format. Josh Peters stated that the Use Table started at Row #18 on Page B-8. Ms. Driscoll agreed that it may be easier for the public to review if Table 3-1 was in the packet. She stated that she would think about integrating it into the MLA packet.

Josh Peters noted the document titled "Notice of Intent to Amend UDC" etc., which was an integrated SEPA and GMA notice. It also served as the public hearing notice for the Planning Commission hearing on February 18.

Karen Driscoll referred to the report of the Ag Lands Committee. She reviewed the objectives of the committee. She explained that there was a

reserved section in the UDC to create a body of regulations specifically for the Ag Lands districts defined in the Comp Plan. Those included Prime Ag Lands, which encompassed the ag lands that had been designated before, and the new designation of Ag Lands of Local Importance.

Karen Driscoll stated that there were some ag uses that the committee thought should be a matter of right and should be allowed without requiring a permit, provided certain conditions were met. She provided some examples of scale of use where a permit should not be required and also examples of where a permit should be required.

Karen Driscoll described the current permitting process. She also described some of the accessory uses to agriculture that the committee had wished to address. Ms. Driscoll stated that even though some uses would be allowed as a matter of right with no permit required by the county, the county Health Department rules would still apply, as well as the state and federal regulations. She commented that farmers were really more used to the health and state and federal regulations than they were to the county land use regulations.

Tom Murray asked if this proposal was a big difference from what was in the UDC now. Tom McNerney replied that ag uses really had not been addressed beyond the large farms. That was the reason for the reserved section in the UDC. Now we were trying to address agricultural uses. Karen Driscoll stated that we were on the leading edge of this new kind of farming. She stated that the old traditional farming really did not "bump into" land use problems. However, the traditional farms were evolving too. She cited the example of a dairy farm that may want to process its milk and sell it as organic milk from the farm. She cited the example of the lavender farms in Clallam County and the things they were trying to do to enhance that economy. She reported that Clallam County was really behind on their regulations for such uses. Therefore, a lot of those lavender farms were out of compliance with their land use regulations. As that economy grew, they were starting to experience some problems. Ms. Driscoll stated that we were trying to address similar problems for our small farmers before we had problems.

Karen Driscoll reviewed the layout of the chart in the MLA. She began to review the proposed UDC amendments. It was noted that the proposed amendments were actually the committee's suggestions, not staff's.

Karen Driscoll referred to the proposed changes in Row #4. She stated that the apparently universal complaint of farmers was that the GMA had protected their land but had not necessarily protected their business. It seemed that the protection was really being used to make an amenity for everyone else to look at; it did not deal with the economy of agriculture. She stated that the revision was intended to address that issue. David Whipple commented that rather than "protecting" the business, what it really seemed to be saying was that it would "promote" the business. He stated that we were not ensuring its existence, which would be "protecting". His reference was to the last sentence in Row #4. Dennis Schultz pointed out that the GMA used the term "protect" in relation to agriculture, forestry, etc. The majority of the commissioners agreed to leave the wording as proposed.

Karen Driscoll pointed out that Row #7 proposed some deletions from the existing language. She noted that the density was not changed, however. Some commissioners suggested lining out the suggested deletions in the Existing column for review purposes. Josh Peters pointed out that this MLA

document was what had gone out to the public for the hearing, so we could not make changes to it now. However, the Planning Commission could make that suggestion after the public hearing.

Staff reviewed the PRRD provisions in Rows #10 through #15.

Karen Driscoll noted that Row #16 was where the chart began to address the Use Table. She agreed that it may be easier to review in the original format and stated that she would make that formatting change in the next version, after the public hearing.

The commissioners and staff discussed the issue related to housing for agricultural laborers (Row #18). Eileen Rogers pointed out that state law required a farmer to provide temporary housing for transient workers. Dennis Schultz commented that federal and state law did not agree on the issue of farm labor housing. He added that some types of farming was fairly labor intensive at certain times of the year and a farmer should provide housing to those laborers. Karen Driscoll described examples of types of farm products and uses that would require transient workers and could require housing for them. She admitted that permanent workers tended to live in the community. The issue was really housing for transient workers.

Tom McNerney stated the belief that the intent of the committee was to limit the use of the farm workers' housing to the farm workers, particularly the transient workers. Dennis Schultz responded that the committee addressed that issue. David Whipple stated that the clustering provisions could allow the farmer to build the farm workers' housing but to do it in a cluster form. Mr. Schultz stated that the committee wanted to allow the farmer to have housing for his farm workers. However, the committee did not want to allow that housing to be turned into general rental units. He thought that was addressed in the proposal. Karen Driscoll commented that if a farmer wanted to use the clustering concept, he would probably need a permit because it was a land division process.

Karen Driscoll suggested that it would not be as productive to review the Use Table sections without reviewing the Section 4, Performance Standards, portion of the chart first. The commissioners agreed and the review moved to Row #19 where Section 4 began.

David Whipple asked if Row #18 would be the appropriate place to suggest an additional use. Tom McNerney noted that this document could not be changed before the public hearing, but Mr. Whipple could make the suggestion to get it on the record so staff could research it, if necessary. The commission could take it up after the hearing. Mr. Whipple suggested adding "Experiential Treatment Facility, day or residential" where the experiential activity would be agriculture related. He stated that such a facility was an employment generator. Karen Driscoll commented that there may already be something in the table similar to Mr. Whipple's suggestion. Mr. Whipple stated that the table listed a school, but his suggestion was really a different type of use.

The commissioners moved on to Row #19 to discuss the details of the performance standards. Karen Driscoll and the commissioners spent some time discussing the cooperative processing issue (Page B-12) and the 50% of the square footage of a farm stand being products from the farm on which the stand was located (Page B-13). The commissioners agreed that there should be some adjustment to the wording for clarity to the 50% rule. They also

discussed the allowance for selling products from outside the local area, such as Eastern Washington hay. The commissioners suggested that staff consider some wording changes to that provision as well.

The commissioners and staff discussed the feedlot issue (Page B-14). Dennis Schultz pointed out that the manure issue was regulated by other laws. Karen Driscoll provided the definition of "feedlot". The commissioners discussed the number of animals allowed in a feedlot. Ms. Driscoll stated that she would mark the provision for further consideration.

The commissioners discussed types of accessory uses that would be allowed as a matter of right, allowed with a permit, or not allowed (Page B-15 and B-16) under the agriculture provisions. The commissioners asked that the provision be noted for further consideration after the public hearing.

David Whipple was excused from the remainder of the meeting.

The commissioners discussed the provision for industrial activity (Page B-17). Tom McNerney was concerned about the term "industrial", either light or heavy and the difference between the two. Another concern was whether a use was "processing" rather than "industrial". Phil Flynn provided an example of a farmer who invented a harvester of some type and began manufacturing the harvester in his barn. Josh Peters commented that it would be pretty small scale if it was located in the farmer's barn. Mr. Peters stated that you would not be talking about setting up a large manufacturing plant on agriculture land that was supposed to be protected for the character of its soil. The question was why you would need agriculture land to do that heavy industry because it had nothing to do with the soils. Some commissioners thought that a cottage industry, of a smaller scale, might fit on the agriculture land, however. The commissioners agreed to mark the section for further discussion.

Karen Driscoll pointed out that the seasonal farm worker housing issue was addressed beginning on Page B-18.

Karen Driscoll pointed out that the Agricultural Schools provision (Page B-20) would not address Mr. Whipple's suggestion for an experiential treatment facility. She thought that suggestion would take some additional wording.

The commissioners and staff briefly discussed the differences in regulation for seasonal roadside stands to differentiate between a farmer selling a product on his ag land from a commercial business setting up a stand to resell products (Page B-22).

Karen Driscoll reviewed other sections of the proposed amendments without significant comments or questions from the commissioners.

Tom McNerney, in complimenting the Ag Lands Committee, stated that the committee had done an excellent job and spent many hours on behalf of the Planning Commission and county.

C. ADJOURNMENT

Tom McNerney stated that the Ag Lands Committee members would now become the UDC Review Committee and would take up the UDC issue. Mr. McNerney stated that he had appointed a Comp Plan Review Committee consisting of Edel Sokol, chair, Eileen Rogers and Tom Murray. The Comp Plan Review Committee agreed

on a regular meeting schedule (the second and fourth Wednesday afternoons at the DCD conference room), with their first meeting being on February 25.

It was agreed that the UDC Review Committee would not meet for awhile. They needed to wait until staff had prepared their material.

Josh Peters suggested that he was hoping that the Ag Lands Committee would work on the rezones for the Ag Lands Comp Plan amendment. Staff and the committee members discussed timing for both the ag lands review and the UDC review.

Tom McNerney pointed out that David Whipple's position on the Planning Commission would be expiring [March 17] and he could not reapply due to redistricting. He suggested that the commissioners think about recruiting for that position.

Edel Sokol asked about what the UDC Review Committee could do to begin their review before receiving the staff suggestions. Josh Peters suggested that the committee could look at the Use Table.

The meeting was adjourned at 9:40 p.m.

D. APPROVAL OF MINUTES

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

Thomas McNerney, Chair

Cheryl Halvorson, Secretary