

JEFFERSON COUNTY PLANNING COMMISSION

MINTUES FOR SEPTEMBER 15, 2004

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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, Eileen Rogers, Jenny Davis, Dennis Schultz, Allen Panasuk, Jim Hagen, and Bud Schindler. Phil Flynn arrived at 6:40 p.m.

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

There were about nine members of the public present. Those who signed the guest list were Nancy Dorgan, Sylvia Arthur of OlyCAP, Tom Peckman, Eric Toews, Craig Durgan, and Donatas E. Kinderis.

The minutes for August 18, 2004, were approved as submitted.

The Chair invited staff updates.

Josh Peters reported that there would be a Growth Management Steering Committee meeting on September 21. An agenda was handed out. He explained that the GMSC worked on matters of mutual interest to the county, city and Port in terms of implementing the GMA.

Tom McNerney asked about the County-wide Planning Policy (CWPP) and its relationship to the Comp Plan. Josh Peters explained that the CWPP preceded comprehensive planning in any county. They were developed in coordination with the City of Port Townsend. He explained that the CWPP generally were pretty broad and were meant to guide the comprehensive plans, which had more substance to them. Mr. Peters stated that one agenda topic of the GMSC would be a discussion of the CWPP and whether they merited updating at this point.

Josh Peters referred to the Brinnon Sub-Area Plan. He reported that the county received a compliance order from the Hearings Board concerning the 22.5 acre area just north of Dosewallips Road and adjacent to Highway 101. The Hearings Board found that the area did not comply with either an industrial zoning designation or an overlay district for small scale business and cottage industry. He stated that the BOCC would hold a public hearing on October 4 and would potentially take action such that the subject land would revert back to Rural Residential zoning of RR 1:5.

Kyle Alm handed out a memo and map concerning some parcels which were split zoned by accident, as part of the mapping exercise, during the UGA designation process. Josh Peters stated that staff was proposing to fold the corrections in the zoning into the Comp Plan amendment process this year. He stated that the staff report and recommendation to be published on September 22 would address the issue.

Staff also distributed a pre-release version of the Transportation Element. He noted that the Planning Commission had also received a pre-release version of the Capital Facilities Element. Josh Peters stated that it should be understood that the documents would likely change within the next week because staff was still refining them. However, staff wanted to get the elements into the Planning Commission's hands so the commissioners could begin reviewing them. Mr. Peters stated that Public Works staff had indicated that the Transportation Element was basically the same in terms of policy matters.

Josh Peters reported on the public workshop on September 7 on the 2004 Comp Plan Update. It related to what the county was required to do under the GMA.

Kyle Alm stated that Public Works would make a few technical changes to the Transportation Element.

Concerning the split zoning issue, Kyle Alm explained that the problem was brought to the county's attention by a property owner. In checking the zoning of the subject area, staff found a few other parcels that had also been split zoned. The subject parcels were all on Rhody Drive. Josh Peters stated that part of the staff report of September 22 would propose that the subject parcels be all one zone rather than split. Tom McNerney stated the understanding that the split zoning issue would be part of the Comp Plan amendment process; it would have nothing to do with the UGA decision. Mr. Peters responded that he was correct. He stated that staff merely wanted the commissioners to be aware that staff would be making the proposal and it would be part of the public hearing process, but the Planning Commission did not need to do anything at this time.

Cheryl Halvorson listed the materials handed out at the meeting.

Josh Peters reported that Al Scalf, DCD Director, had been asked to resign his coaching position, which he had done.

B. MLA04-28, GMA COMP PLAN UPDATE

The commissioners reviewed the memo dated September 15 containing the criteria used for the Planning Commission's proposed Comp Plan amendments under the 2004 Comp Plan Update. Edel Sokol explained how the commissioners developed the criteria as they began to review the Comp Plan. Most of the revisions were the result of deleting regulatory language or verbosity. In some cases, circumstances had changed. She stated that they did propose one mapping change at the SR 19/20 intersection. They also strengthened the Economic Development Element.

Tom McNerney asked if the commissioners had any questions about the criteria cited in the memo. Bud Schindler questioned whether #E concerning not changing the vision of the Comp Plan, was really a criterion and suggested that it be deleted. Dennis Schultz and Phil Flynn disagreed, stating that they thought it was important that the public know that the Planning Commission was not proposing to change the vision of the Comp Plan. The commissioners agreed to leave #E as written.

Tom McNerney stated that the Comp Plan Review Committee had been asked by the Planning Commission to provide, in writing, their rationale for the amendments they proposed and which the full Planning Commission accepted, with some modifications. Those amended Comp Plan elements were now going forward to the public process. He stated that the commission thought it was important for the public to know the rationale and criteria the commission used in suggesting the proposed amendments. Mr. McNerney stated that if the criteria memo was accepted by the Planning Commission, it would be used by staff in their report as part of the findings.

There being no further requests for revisions to the memo, the Chair entertained a motion to accept it.

Allen Panasuk moved that the Planning Commission approve the criteria memo. Phil Flynn seconded the motion which carried unanimously.

Tom McNerney raised the issue of the proposal to change the zoning at the SR 19/20 Intersection General Crossroad. He explained that, while the proposal had been discussed and proposed by the Comp Plan Review Committee and that staff was aware of the proposal, it had not been raised at a full Planning Commission meeting. As a result, the proposal was not formally included in the Planning Commission recommendation to staff. He suggested that Ms. Sokol explain the proposal. Edel Sokol explained that the Comp Plan Review Committee thought that circumstances had changed with the revision in the alignment of the intersection and the addition of a traffic light. She stated that, originally, the drive-in theater property was not included in the Crossroad zoning because of traffic concerns. The committee thought those concerns had been alleviated with the intersection revision and thought the drive-in theater should be put back into the zone.

Phil Flynn pointed out that the intersection depicted on the map was not correct. It did not depict the realignment of the intersection correctly.

Dennis Schultz summarized that the proposed parcel was originally supposed to be included in the commercial zone, but it was not because of the then existing traffic problems. The traffic problems were solved by the state realigning the intersection and installing the traffic light. Therefore, that traffic concern no longer existed. Tom McNerney agreed with his summary, stating that was the reason the committee recommended putting the parcel back into the zone.

Phil Flynn moved that the Planning Commission accept the committee's recommendation that the SR 19/20 Intersection General Crossroad district be modified to include Parcel #001282007 (the drive-in theater). Allen Panasuk seconded the motion which carried unanimously.

Tom McNerney asked if the commissioners had any further comments or issues with the other Comp Plan elements. There were none.

The Chair opened the meeting to public comments.

Sylvia Arthur, Port Townsend, stated that she was a VISTA volunteer for OlyCAP working on the homeless issue in the county. She provided information on two projects they were working on. Both related to shelter housing for the homeless. She stated that she also worked on the affordable housing issue, stating that over 34% of the people in the county were paying more than 30% of their income just on rent. She stated that they were working on the Housing Element for the city Comp Plan. She handed out some information sheets on the Continuum of Care Planning for the Homeless. She invited the commissioners to review the materials and incorporate it into the county's Housing Element as appropriate, or to work with them on the issue.

Craig Durgan, Chimacum, stated that a couple of years ago he had submitted a Comp Plan amendment to upgrade the Chimacum commercial area to the next level, stating that it was currently a Neighborhood/Visitor Crossroads, similar to Mats Mats. He stated that he now wanted to propose that it be upgraded to a Rural Village Center. He thought the level of service present met the criteria for a RVC. He described the area he thought should be included in a RVC boundary, using all pre-1990 development. He stated that the community area was certainly a lot larger than the crossroads district.

Tom McNerney explained that Mr. Durgan had come to the last Comp Plan Review Committee meeting with the same proposal. The committee had looked at the criteria for a RVC and it appeared at first glance that Chimacum would meet the criteria. After discussion and because of the lateness of the proposal, it was felt that it was too late to get good public input and an environmental review of the proposal in time for the staff report and SEPA review due on September 22. Therefore, the proposal could not go into this year's Comp Plan Update process. Mr. McNerney stated that he had invited Mr. Durgan to come to the meeting to make his proposal. He stated that the Planning Commission could discuss the issue, and if the commission agreed, it could make a recommendation that the proposal be considered as soon as possible, but not at this particular time. He suggested the Planning Commission take up the proposal after the public comment period.

Eric Toews, Port Townsend, stated that he was present to answer any questions the Planning Commission may have when it came to the airport issue on the agenda.

Nancy Dorgan, Port Townsend, stated that she actually had some questions, not comments. Tom McNerney stated that he would take her questions and ask the appropriate person to respond as soon as possible. Ms. Dorgan stated that she would pose her questions in the form of a comment.

Nancy Dorgan stated that she had been reviewing the Land Use and Rural Element. She noted the changes to the home businesses and cottage industries. She wondered if the deletions she saw there concerning hours of operation, number of employees, etc. corresponded to the regulations in the UDC. She was concerned that removal of guiding regulatory language in the Comp Plan would allow a "free rein" when it came to the UDC. She stated that was a concern because she thought there were things that needed to be in the Comp Plan to guide the regulations. She raised an issue regarding water connected to the Utilities Element, stating that now was the time to address that issue. Ms. Dorgan stated that the site specific rezone at the SR 19/20 intersection should not be considered now; it was too late in the process. She suggested that the issue be raised in the 2005 amendment cycle, stating that it had not been docketed for this year. She thought there were some real process questions with it. Concerning the split zoning issue, she wondered what the accident was. She stated that the county had used split zoning in the past as a means to contain rural sprawl.

Tom McNerney began with the split zoning issue. He stated that all of the parcels were within the UGA, so it would not be a rural sprawl issue.

Concerning the regulatory language issue, Nancy Dorgan stated that her question was whether everything proposed for deletion in the Comp Plan was in the UDC. Also, she was concerned about stripping the language out of the Comp Plan, even if it was in the UDC, because the Comp Plan was supposed to be the guide for the UDC regulations. She stated that it raised a concern about what the UDC Omnibus at the first of the year would contain if so much was stripped from the Comp Plan. Tom McNerney stated that one example of inconsistency between the Comp Plan and the UDC related to the cottage industries provisions. He stated that caused a problem for the Double D Electric business. He stated that amendments to the UDC to address regulatory problems could be done quicker than doing a Comp Plan amendment. Edel Sokol stated that when the Comp Plan was written, there was no UDC. That was the reason for including regulatory language in the Comp Plan. Now

that we had the UDC, there was no need for such minute regulatory language in the Comp Plan. She stated that she did not think there was any intention of trying to "hoodwink" anyone.

The next question had to do with the water issue in the Utilities Element. Josh Peters stated that the comment had come up at the September 7 workshop. He stated that staff was working on it, noting that the staff report would be coming out on September 22.

Donatas Kinderis, Quilcene, stated that he was an engineer. He stated that he had designed a system that could solve the energy crisis and start up a new industry right here. He stated that he was calling together a conference of community leaders. He invited everyone from the Planning Commission to attend. He stated that it would be held on October 14 at the Port Townsend Community Center. He stated that he would make a presentation on his system, which was a solar powered hydrogen energy system. He stated that it was a technology that we could develop here and export to the outside. It would provide jobs here in the community. He stated that he had been working on the system for about thirty years. He stated that he had one copy of information about the conference and his system. Josh Peters stated that Mr. Kinderis could provide his information to staff and they would copy it for the Planning Commission.

Sandy Farrell, Port Townsend, stated that she supported the Comp Plan amendments.

Ande Grahn, representing People for a Rural Quimper, stated that she was present to answer any questions the Planning Commission may have regarding their amendment [MLA03-244].

C. PRESENTATION OF AGRICULTURE LANDS COMMITTEE RECOMMENDATION, MLA04-27

Dennis Schultz, chair of the Planning Commission Agriculture Lands Committee, provided a brief introduction and history about the proposed amendment. He stated that there were 255 parcels which applied for rezoning to Agriculture. He stated that agriculture had changed dramatically from what it was ten or twenty years ago. He stated that the original Comp Plan kind of glossed over agriculture. It merely considered the larger agriculture lands in the county, designated those, and ignored everything else. The 2003 Comp Plan amendment developed criteria for designation of Ag Lands of Local Importance which was meant to address agricultural uses on smaller parcels. Mr. Schultz stated that agricultural uses could still occur on Rural Residential lands without the ag zoning. However, with the ag zoning, the property owner could do more things and would have more protections for their farming operation. Mr. Schultz stated that staff had a copy of the criteria the Ag Lands Committee used when considering the individual parcels. He stated that the major criterion was whether the property was suitable in that neighborhood to be rezoned to ag. He reported that they found four or five properties that were not. He explained why those properties were not suitable. He stated that some parcels were already zoned as Ag. He stated that some parcels that were zoned Commercial Forest or Rural Forest were not recommended for change. Some parcels were zoned tidelands, and it would not be beneficial to the owner to be zoned as Agriculture. He stated that a small parcel surrounded by other small parcels was not considered for rezoning.

Dennis Schultz stated for the public record that he was a farmer and was an applicant himself for the rezone of his property. Tom McNerney stated that

the way the law read, if it was of a regional or general nature and was legislation that affected a regional or general population, it was a policy matter and Mr. Schultz would not need to recuse himself from the matter.

Dennis Schultz stated that, currently, there was no immediate financial advantage to those people whose parcels would be rezoned. However, in the future, there may be a financial advantage to them if they wished to develop their agricultural business.

Staff handed out copies of the criteria used and a listing of the parcels that had applied for rezoning. Three maps were displayed on the wall showing the locations of the applicant properties. There was a little over 3,000 acres involved.

Tom McNerney asked if staff had contacted those property owners whose parcels were not recommended for rezoning. Karen Driscoll responded that she had not as yet, but she would.

Tom McNerney stated that what was being handed out was the committee's recommendation to the full Planning Commission. It represented the proposal that would go forward to the staff report and to the public hearing.

Eileen Rogers asked if there was an appeal process for those properties that were recommended for denial. Josh Peters responded that the committee had looked at all of the properties and made a recommendation to the full Planning Commission. There was really no official action at this time; it was at the committee level. He stated that the proposal at this point was to send it forward to public comment. It would be just like any other Comp Plan amendment. He stated that the staff report would come out on September 22, including the Ag Lands rezone issue. That would open the public comment period. Anyone could come and speak to the issue at the Planning Commission public hearing in early October. He stated that the final Planning Commission recommendation could be somewhat different from what the committee was currently recommending. That recommendation would go to the BOCC, who could take a different action from the Planning Commission's recommendation.

Tom McNerney stated that, informally, there were very few parcels that had been turned down by the committee. The few that were recommended by the committee for denial were for regulatory reasons. He stated that those property owners would be notified ahead of the public hearing. Josh Peters stated that one reason staff had not yet notified those property owners was the fact that staff had been struggling with finalizing the list. He explained the difficulties staff had encountered. He stated that staff was even considering the possibility of putting this issue off to next year. Also, staff was working on the staff report deadline of September 22. Mr. McNerney cited an example that some people who applied were supposedly representing a trust. Staff was having to research to assure that was an accurate representation.

Karen Driscoll explained that this process was the third step in an ongoing process concerning Ag Lands. The two previous steps were a Comp Plan amendment and a UDC amendment. This year's process was to develop the site specific applications. She explained how the county went about soliciting interested applicants. Then the committee went through the list and, using the criteria, made a recommendation for each parcel. She explained some of the problems that arose during the review.

Tom McNerney asked the pleasure of the Planning Commission. He stated that if the commissioners wished to approve the documents for the public review process, he would entertain a motion.

Bud Schindler moved that the Planning Commission recommend approving the list of proposed parcels for the public review process. Jim Hagen seconded the motion.

Eileen Rogers thanked the Ag Lands Committee for their work on the issue and for the outreach that was done. Dennis Schultz, chair of the committee, also thanked the committee members for their work.

Karen Driscoll disclosed for the record that she owned a parcel that was proposed for rezoning.

The motion carried with eight in favor, none opposed, and one abstention. Dennis Schultz abstained based upon principle.

Eileen Rogers moved that the Planning Commission accept the criteria document. Phil Flynn seconded the motion. The motion carried with eight in favor, none opposed, and one abstention (Dennis Schultz).

D. PRELIMINARY STAFF PRESENTATION re AIRPORT COMP PLAN AMENDMENTS, MLA03-232 and MLA03-244

Josh Peters handed out two documents which had been received from the Port of Port Townsend concerning the airport. One document was entitled "Protecting the Future of the Jefferson County International Airport as an Essential Public Facility: Statement of Legal and Factual Position". The second document was entitled "Exhibit B(1) Revised, Proposed Amendments to the Jefferson County Comprehensive Plan". He stated that staff and the Port had been working together under a settlement agreement. Mr. Peters stated that the first document provided background information. The second document was basically a pre-release document which would lead to the staff recommendation on September 22. He stated that it was being provided to the commission so that the commissioners could begin their review a bit early.

Eric Toews stated that the second document was not a revised Port proposal. It represented Port staff's attempt to capture the concerns raised by county staff at the most recent meeting. He thought it was a stepping stone towards the staff recommendation, which he expected to be another iteration and modification of what had been provided at this meeting. He stated that the Port's proposal was submitted and docketed. He clarified that this document (the second document) was not a recommended amendment to the Port's docketed matter. It was really an incremental step towards a final staff recommendation. Tom McNerney asked for further clarification on the matter of the staff recommendation versus the Port's original docketed amendment. Mr. Toews clarified that once a matter was docketed, it became the county's proposal. The county could modify it as it saw fit, within certain parameters. He thought that was the process that was being worked towards now. Mr. Toews stated that, while a Port proposal was still docketed, what the Planning Commission had before it tonight was the beginnings of what would ultimately be the DCD staff recommendation.

Josh Peters reiterated that this document was a pre-release version. One reason it was being provided was to give the commissioners an extra week to begin their review. Another reason was that the document was discussed at a

committee meeting. He agreed with Mr. Toews that it could be considered a stepping stone to the actual proposal to be included in the staff report, which may differ to some extent.

Eric Toews stated that the large document was prepared to assist the policy advisors and the legislators in their decision making process. It contained a memorandum and documents that were referenced in the memorandum. The Port wanted the decision-makers to have all of that information at their disposal.

Josh Peters stated that an Airport Committee meeting was tentatively scheduled for September 29 at 6:30 p.m. at the DCD conference room.

Josh Peters stated that the September 22 staff recommendation would include the goals and policies and development regulations for the airport. The goals and policies would be in the Comp Plan and the development regulations would be in the UDC.

The Chair invited public comments.

An audience member asked about the availability of the documents. Josh Peters explained that the Port had only provided enough copies of the large document for the BOCC and Planning Commission. However, it was agreed that staff, either Port or county or both, would get at least one copy for review in the office. Mr. Peters explained that the county tried to put as much as possible on the web site.

Ande Grahn stated that the county did a very good job of getting information on the web site.

Nancy Dorgan asked if the committee [Comp Plan Review Committee] felt it had made any policy changes among all of the changes that were proposed. Tom McNerney responded that he did not think there were any intentional policy changes, although the committee did propose strengthening the Economic Development Element. Mr. McNerney stated that there were a couple of unintentional deletions that could be construed as policy changes, but the Planning Commission would put those back in.

E. ADJOURNMENT

Tom McNerney asked when the UDC Review Committee would be re-established and start meeting. He thought it was scheduled for November. Josh Peters agreed that was correct. Mr. McNerney stated that he did not want to burden staff at this time, but he would like to have the committee begin some preliminary work at least. Mr. Peters stated that staff would not have time to work on the UDC until the Comp Plan amendments were done. He stated that staff could staff committee meetings, but they could not do a lot of work on the side. Mr. McNerney stated that he would contact commission members about serving on the UDC Committee and then the committee could start meeting in order to begin the review.

The next meeting (October 6) would be a public hearing on everything on the docket. Josh Peters suggested that the Planning Commission may want to consider an additional public hearing meeting on October 13. Tom McNerney thought the whole Comp Plan amendment docket on one night was a lot. Mr. Peters outlined some scenarios for hearings and meetings. The commissioners agreed to put everything on the docket in one public hearing on October 6 and, if necessary, to continue the hearing to October 13. It was agreed that

staff would arrange for a meeting space if it became necessary to continue the October 6 hearing.

The commissioners and staff discussed when to close written comments. There was a concern with providing the public with only two weeks for comments, although staff pointed out that there was nothing specific in the law. Logistically, the written comments would need to be provided to the commissioners prior to the first deliberation meeting on October 20.

Edel Sokol moved that the Planning Commission keep the written comment record open for one week after the public hearing (to October 13). Phil Flynn seconded the motion. The motion carried with eight in favor and one opposed.

Phil Flynn suggested that the Ag Lands amendment be first on the Comp Plan amendment hearing agenda since it may be the least contentious.

The Chair invited one final public comment period in order to accommodate a late arrival.

Bernie Arthur, Port Townsend, thanked the Chair for allowing him to speak. He stated that part of the reason the commissioners were appointed was to represent the public through the commission's deliberations and discussions, and not the individual agendas of the commissioners. The commissioners were to represent the sense of what the public needs were in the Comp Plan. He stated that some people wanted to be left alone in the use of their property, but that did not seem to be the case any longer. He expressed the hope that the commission would do the best it could in its deliberations, since the commissioners were better informed on the issues than many people, for the most people, who were just trying to get by and raise a family. He asked that the commissioners remember that public involvement could generate controversy. He stated that he had served on the Planning and Shoreline Commissions. He stated that the reason the commission would get lots of public involvement, other than by those who wanted to control everyone else's life, was because the public expected the Planning Commission to do the best job it could. He thought the commission was trying to do that. He stated that Growth Management affected so much of the economy. With so little property in the county available for development (around 2.5% that could be developed) and much of it being already developed, it could not be over-used. It did not leave much left to negotiate on. He stated that what happened was that the real estate values increased based upon supply and demand. So, if you controlled the supply and the demand continued to increase, the price goes up, which affected a lot of people in this community who needed housing, good jobs, or to build a business. He stated that one that came to mind was Double D Electric, which had a business location in Port Ludlow. That business was now located in Port Hadlock in the old NAPA store. He stated that it still cost the business owner over \$1,000 in permits to move a local, home grown business, which was done under the guise of growth management. He did not think that was good management. He thought it was just harassment of small business people. He stated that those were the people who created jobs. He discussed his time as a boat builder, stating that everybody left them alone. He stated that he could not figure out why we started to feel the need to tell people what they should do. He stated that he was speaking for the public to ask the commissioners to do the best the commission could and to put themselves in the other peoples' shoes. He asked the commissioners to think about both the short and long term consequences that would affect a lot of people. He again thanked the commission for allowing him the opportunity to speak.

The meeting was adjourned at 8:35 p.m.

F. APPROVAL OF MINUTES

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

Thomas McNerney, Chair

Cheryl Halvorson, Secretary