

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR NOVEMBER 10, 2004

- A. OPENING BUSINESS
- B. DISCUSSION/RECOMMENDATION TO BOCC ON 2004 COMPREHENSIVE PLAN
AMENDMENT FINAL DOCKET
- C. ADJOURNMENT

A. OPENING BUSINESS

The special meeting was called to order at the Tri Area Community Center at 6:30 p.m. by Chair Tom McNerney. Planning Commission members present were Eileen Rogers, Dennis Schultz, Bud Schindler, and Jim Hagen. Phil Flynn and Edel Sokol arrived at 6:33 p.m. Allen Panasuk was excused.

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

There were about three members of the public present. Those who signed the guest list were Ron Baldwinson, David Sullivan, and Nancy Dorgan.

Tom McNerney read a letter of resignation from Planning Commissioner Jenny Davis.

The Chair invited staff updates.

Josh Peters reported that staff had forwarded an agenda request to the BOCC on this date for time on the Board's agenda on November 15. He stated that the purpose would be to pass on the staff's and Planning Commission's recommendations for the 2004 amendment cycle. He stated that staff would forward the Planning Commission's recommendation memorandum as soon as it was available. He stated that the BOCC had a public hearing scheduled for December 6, stating that we were still on schedule for adoption.

Tom McNerney asked if the draft Introduction page and the staff response to the Land Use and Rural Element were the last items for the Planning Commission to complete. Josh Peters responded that the commission should also review the draft UDC section addressing best available science [BAS]. They discussed logistics and timing of the Planning Commission completing its review and transmitting its recommendation to the BOCC. They discussed the possibility of delaying the BAS review to 2005 and the ramifications of doing so. Mr. Peters stated that the draft BAS staff recommendation had essentially remained the same as the September 22 staff report with one exception. He stated that staff recommended that there be a reference at the beginning of the Wetlands section (3.6.9) that the county would use the 2004 Wetland Rating System rather than the 1994 Wetland Rating System developed by DOE.

Tom McNerney suggested that the Planning Commission work on the Land Use and Rural Element first and see how much time was available after completing that work.

The Chair invited public comments. There were none offered.

B. DISCUSSION/RECOMMENDATION TO BOCC ON 2004 COMPREHENSIVE PLAN AMENDMENT FINAL DOCKET

MLA04-28, Jefferson County (Comp Plan Update)

The commissioners began with a review of the revised Introduction page. Bud Schindler referred to the first paragraph under Plan Overview and expressed a concern with the wording "appendices to the Final Plan." The commissioners agreed by consensus to change the word "Final" to "Comprehensive".

Dennis Schultz moved that the Planning Commission accept Page 1-17 of the Introduction as amended. Bud Schindler seconded the motion which carried unanimously (7-0-0).

The commissioners moved on to the Land Use and Rural Element. The Chair invited comments and concerns from the commissioners.

Jim Hagen referred to "development regulations" in the Purpose section. He stated the belief that the Comp Plan Review Committee had tried to remove references to regulations from the Comp Plan because we now had the UDC. He referred to "policy guidelines" on Page 3-2 as more appropriate verbiage for the Plan. Josh Peters stated that his read of the Purpose was that the element was to establish goals and policies that describe development regulations.

Jim Hagen moved that the Planning Commission recommend replacing "development regulations" with "development guidelines" in the Purpose section. Bud Schindler seconded the motion.

Tom McNerney agreed with staff that the goals and policies described the contents of the development regulations and that was appropriate. Dennis Schultz agreed with Mr. McNerney, stating that the Comp Plan was the appropriate place to describe what should be in the UDC. Bud Schindler stated that the Comp Plan fully described land uses and land division densities, so it would follow that it would serve to authorize the development regulations. He stated that it did not describe in detail the development regulations; it did not describe them in as much detail as the land uses and densities. Mr. McNerney thought it was "splitting hairs". The consensus of the commissioners was to keep the original language.

The motion failed with one in favor and six opposed (1-6-0).

Jim Hagen referred to the second bullet on Page 3-5 under Existing Lots of Record concerning re-platting. He asked about the recommended minimum lot size. Josh Peters stated that most of the section was not new material; it was merely moved from another place during the reorganization of the element. That was why it was underlined.

Jim Hagen referred to the reference to the 1996 inventory in the last sentence under Rural Residential Lands: Allocation of Growth, which also referred to Table 3-3. He stated that he thought one of the things we were doing this year was updating some of those inventories. As he read it, we were still relying on the older data. Josh Peters stated that the inventory referenced had not been updated.

Jim Hagen referred to the two tables on Page 3-12 (Table 3-4 and 3-5) and asked for clarification of the acreage differences. Josh Peters replied that his first thought was that it described activities after adoption of the Comp Plan in 1998, which established our rural residential densities. He stated that the highest density that one would be able to subdivide now was 5-acre lots. He thought the long plats that occurred from 1990 to 1996 were probably smaller lots. Mr. Peters stated that Table 3-5 only reported data for actual development applications received.

Jim Hagen referred to the Rural Commercial Lands section beginning on Page 3-13. He was concerned with the formatting of the text. He noted that the first reference under Designation and Classification was a reference to

designation criteria in the GMA. Then it jumped to a paragraph about Port Ludlow and jumped again to a description of the South County and the West End. He thought it was information that could be moved under a description of Rural Village Centers. He noted that the next section was headed Logical Boundaries of Rural Commercial Areas and discussed criteria again, which followed the criteria theme. He thought the placement of the South County and West End descriptions seemed incongruous with the text. He acknowledged that it was hard to follow because of all of the line-out text. In response to Tom McNerney's question, Mr. Hagen explained that the South County and West End references were not in sequence with the subject of the heading.

Tom McNerney stated that the line-in paragraph on Page 3-15 addressed the GMA criteria for designating LAMIRDs. He agreed that the references to the South County and West End on Page 3-17 did not follow the LAMIRD theme. Bud Schindler stated that he did not see any references to the LAMIRDs in the South County. He commented that he did not understand what the section was trying to say, especially the reference to Port Ludlow. Josh Peters responded that the Port Ludlow reference was trying to differentiate the commercial core as a part of a Master Planned Resort, which was a different tool under the GMA, instead of a historic LAMIRD. He thought the South County and West End discussions were a lead-in to their LAMIRD boundaries. He noted that the Brinnon RVC was described more specifically on Page 3-22. Mr. Peters stated that, if what the commission was suggesting was that the element could use another round of reorganization, he would agree. However, there had been a lot of pressure from the commissioners at the last meeting to get this draft to the commission. Jim Hagen stated that the point of his comments was to raise the possibility that those two sections would be better placed elsewhere in the text. Mr. Peters pointed out that the section had not been changed from the Planning Commission's recommendation. He stated that the staff response did not change that recommendation much. He described the changes.

Edel Sokol asked if the Director had looked at the Planning Commission recommendation and made suggestions. Josh Peters replied that the Director had made suggestions and staff had included them in the staff response document.

Tom McNerney and Josh Peters discussed meeting again on November 17 because it appeared the Planning Commission would have some further revisions. They discussed the ramifications on the adoption schedule.

Edel Sokol asked which changes the Director recommended, stating that he had asked the Comp Plan Review Committee to work on other elements because he wanted to make some changes to it [the Land Use and Rural Element]. Staff could not provide that information because they did not have their notes with them. Tom McNerney stated that he thought the Director was primarily concerned about reorganizing the element. Josh Peters agreed that staff had thought that, if the county was going to go into the Land Use and Rural Element, we should reorganize the element in light of the context. He stated that, in fact, you could say that about the whole Comp Plan.

Jim Hagen stated that one of the reorganization moves had to do with the rural densities, which he thought was a well-done revision because it corresponded better with the goals and policies. Tom McNerney asked if that was the type of thing staff had attempted in the reorganization. Josh Peters stated that the general reorganization got done. He thought that the one section referenced [beginning on Page 3-13] could stand some additional work,

perhaps reorganizing the sub-headings or adding some introductory text to substitute for all of the line-out language. Mr. Peters pointed out that the Planning Commission recommendation of September 1 was a little different, stating that there was text the commission wanted to keep. He stated that staff thought that eliminating the additional language would improve the flow of the document, but that appeared to be questionable.

Tom McNerney stated that the primary revisions to the Land Use and Rural Element were to remove obsolete language and tables or to remove introductory language that was no longer pertinent. He asked if there were any substantive goal or policy changes in the text. Josh Peters stated that the reason the text was recommended for deletion was that the original text tried to describe a process in which the county was developing policy which would establish rural commercial areas prior to those amendments being enacted to the GMA. In the middle of that process, the Act was amended and it became clear how the counties were to designate their rural commercial areas. So the text was a strange amalgamation of that criteria, classification, and justification leading up to that point, and all of a sudden the criteria came from the state legislature, and it became a different exercise.

Tom McNerney stated that he wanted it to be clear that this had been an exercise in editing and was not a case of changing the content; it was done more for clarification. Mr. McNerney stated that he did not know of any changes to goals or policies. He thought it was important to note that the Planning Commission was wordsmithing and was not changing policy.

Jim Hagen stated that Mr. McNerney raised a good point. He stated that there had been some response that the Planning Commission was rewriting the whole Plan but that was really not the case. He stated that the criteria for Comp Plan amendments in the GMA meant to "review and revise, if needed." He referred to the growth management indicators in the UDC. Some talked about the assumptions upon which the original Comp Plan was based no longer being valid. He thought that, when you had new amendments to the Act, it definitely affected the Plan. He thought that what the Planning Commission was doing was required by amendments to the GMA that were not in place in 1998. He thought it was an important point for the record.

The commissioners returned to the Rural Commercial Lands discussion [beginning on Page 3-13]. Dennis Schultz stated that it was all lined-out until the one paragraph about the GMA criteria on Page 3-15 under Designation and Classification. Then it was all lined out again until the paragraph about Port Ludlow on page 3-16, which was redundant with text beginning on Page 3-24, so that paragraph could be deleted. The text about the South County on Page 3-17 was redundant with text on Brinnon and Quilcene on Pages 3-23 and 3-24, so it could be deleted as well. The text concerning the West End on Page 3-17 was the only reference to the West End, but he suggested moving that section to Page 3-24 after the Quilcene discussion and before the Port Ludlow discussion.

Dennis Schultz moved that the Planning Commission recommend keeping the major heading "Rural Commercial Lands" on page 3-13, keeping the sub-heading "Designation and Classification" on Page 3-14, keeping the one paragraph referencing the GMA criteria on page 3-15, deleting the paragraph about Port Ludlow on Page 3-16, deleting the text about the South County on Page 3-17, and moving the text about the West End to Page 3-24 following the discussion on Brinnon and Quilcene and before the Port Ludlow discussion. Eileen Rogers seconded the motion, which carried unanimously (7-0-0).

Edel Sokol referred to the Existing Lots of Record section on Page 3-5. The fourth line referenced lot consolidation. She asked how the county could force something like that if a person did not own the other adjacent lots. Dennis Schultz responded that a person could not build because they would not have room for a septic. Josh Peters stated that it was a current policy. He stated that it obviously referred to one owner of adjacent parcels. He stated that the county sometimes required a restrictive covenant to bind those parcels together. In the case of the Tri Area, with the advent of a sewer system, it may be possible for those lots to be developed. He clarified that what you were trying to do was to create enough land area to support both a well and a septic. Or if there was public water service, then there needed to be enough land area to support a septic. Phil Flynn commented that if a person did not own enough lots, they may have to purchase neighboring lots in order to get enough land area.

Edel Sokol referred to the uses listed for the various commercial areas on Page 3-21 and asked if they were still current uses. Josh Peters stated that the Planning Commission recommendation was to delete the entire section. Staff's response was to put much of it back in after a recommendation from the Deputy Prosecuting Attorney. Phil Flynn supported retaining the descriptions.

Referring to the Chimacum section on Page 3-22, Edel Sokol suggested that something be added about Chimacum being considered for a Rural Village Center designation at some time in the future. She noted that the Planning Commission had received public comment to that effect. Kyle Alm stated that the referenced section was a description of why we designated a Neighborhood Visitor Crossroads. Tom McNerney suggested that a sentence about considering Chimacum for a RVC designation be added on Page 3-23 under the Rural Village Centers sub-heading. He suggested a possible sentence: "Chimacum should be evaluated in the future for possible designation as a Rural Village Center." Josh Peters stated that, if that was a policy the Planning Commission supported, it would be an appropriate place. He suggested that, if the commission supported that concept, he would suggest that there be a description added to the Chimacum section under the Neighborhood Visitor Crossroads section, that a description be added under the Rural Village Centers section, and that both a policy and a strategy be added.

Edel Sokol moved that the Planning Commission recommend adding text about considering Chimacum as a potential Rural Village Center under the Chimacum Neighborhood Visitor Crossroad section, under the Rural Village Centers section, and add a policy and add a strategy. Eileen Rogers seconded the motion which carried with six in favor, none opposed, and one abstention (6-0-1).

Dennis Schultz pointed out that, if there were two RVCs (Table 3-8 and Page 3-23), there was an inconsistency with the table on Page 3-29. Tom McNerney pointed out that the reference in the first paragraph, second sentence, under Rural Village Centers on Page 3-23 should refer to "two" RVCs instead of "three". Josh Peters stated that, while the Port Ludlow Village Commercial was included in the table on Page 3-29 under the RVCs, it was not technically rural and was not designated as a LAMIRD. It was actually urban because a Master Planned Resort was a type of urban use.

Tom McNerney moved that the Port Ludlow Village Commercial reference be removed from Table 3-8 on Page 3-29. Eileen Rogers seconded the motion. Due to the ensuing discussion, the motion was not acted upon.

Dennis Schultz pointed out that the whole section on Rural Village Centers on Page 3-29 was duplicative of the text on RVCs on Page 3-23. He thought the whole section on Page 3-29 could be deleted. Jim Hagen pointed out that the Page 3-29 text came under a different sub-heading, Evaluation of Rural Commercial Boundaries, beginning on Page 3-25. Josh Peters thought the intent of the section on Evaluation was to discuss the impact of the designations in 1998 and the change in commercial acreage from 1994. It was noted that the paragraph under Rural Village Centers on Page 3-29 was identical to the added paragraph on Page 3-23. Staff did not believe the intent was to duplicate the text in two places.

Dennis Schultz moved that the Planning Commission recommend deleting the whole Rural Village Center section (the sub-heading, the paragraph and Table 3-8) on page 3-29 because it was duplicative of what was contained on Page 3-23. Tom McNerney seconded the motion which carried unanimously (7-0-0).

Dennis Schultz stated that staff would have to re-check the table numbering when the review was completed.

Edel Sokol referred to the Port Townsend Paper Mill Heavy Industrial Area sub-heading on Page 3-33. She asked if the paper mill would be considered a natural resource based industry. The context was that, if it was a resource based use, she questioned why we could not allow other resource based uses in that zone. Under consideration was the third sentence, which she would suggest changing to "directly related to natural resource based uses". Phil Flynn wondered why you would limit the uses to only those related to the mill, stating the opinion that other heavy industrial uses should be appropriate as well. Josh Peters stated that in other places where natural resource based industries were discussed, it was in the context of the use being located near the natural resource, such as a sawmill being located near a commercial forest operation. He stated that, while the paper mill was a natural resource based industry, it did not extract the trees right adjacent to the mill. He agreed that an argument could be made on both sides. Ms. Sokol stated that she had a problem with the wording "directly related to the mill" and would suggest changing it to "natural resource based uses". Dennis Schultz questioned what would happen if the mill closed.

Edel Sokol moved that the third sentence in the paragraph under Port Townsend Paper Mill Heavy Industrial Area on Page 3-33 be deleted ("Within the designated ... uses that are directly related to the mill"). Eileen Rogers seconded the motion which carried unanimously (7-0-0).

The commissioners briefly discussed whether there was a definition for "Heavy Industrial".

Under Rural Industrial on Page 3-33, Tom McNerney moved that the word "interim" be removed in the third sentence. Bud Schindler seconded the motion which carried unanimously (7-0-0).

Edel Sokol questioned the word "limited" in LNP 5.3.3 on Page 3-70.

Edel Sokol moved that the word "limited" be removed from LNP 5.3.3 on Page 3-70. Bud Schindler seconded the motion.

Eileen Rogers asked for staff's interpretation of the word. Josh Peters surmised that it had to do with the fact that there were only so many of those designations in the county. He stated that the policy was to allow some opportunity for multifamily housing, and the county had identified those areas, and those areas were limited. Kyle Alm stated that the policy addressed crossroads and those areas were limited.

There being no further discussion, the motion carried unanimously (7-0-0).

The commissioners agreed by consensus to delete the words "interim" in LNP 5.42 and LNP 5.3 on Page 3-70.

Edel Sokol moved that the word "limited" be removed from LNP 5.6.3 on Page 3-71. Eileen Rogers seconded the motion which carried unanimously (7-0-0).

Edel Sokol referred to LNP 6.2.5 on Page 3-74 which discussed cottage industries being conducted indoors "except that activities related to growing and storing plants may be conducted outdoors." She questioned why the exception was limited to plants, citing the manufacture of clay pots or sculpture as other examples that may use outdoor space.

Dennis Schultz questioned why those policies were in the Comp Plan, stating that they were all regulations contained in the UDC. He questioned at what point the Comp Plan stopped and the UDC should begin. He thought the policies beginning at LNP 6.1.1 were really regulations contained in the UDC, although he advocated keeping the goal and the main policies. The issue applied to both home-based businesses and cottage industries.

Dennis Schultz moved that, under the section Home-based Businesses and Cottage Industries beginning on Page 3-71, the Planning Commission recommend keeping Goal LNG 6.0 and Policies LNP 6.1 and LNP 6.2 and delete all of the sub-section policies under each of those two policies because they were regulations covered in the UDC, and also delete the phrase "and the following criteria" in both LNP 6.1 and 6.2. Edel Sokol seconded the motion.

Dennis Schultz stated that those sub-sections were all covered in the UDC as regulations. He stated that a question was whether the West End was addressed in the UDC. Josh Peters stated that the answer was "Yes". Mr. Schultz stated that by deleting the sub-policies we would not get into a situation where there were conflicts between the Comp Plan and UDC.

There being no further discussion, the motion carried unanimously (7-0-0).

Edel Sokol referred to Page 3-88, LNP 21.3, which addressed preserving farms. She suggested adding a sentence about farm preservation programs, such as "Encourage farm preservation programs." The commissioners discussed where such verbiage should be located. Josh Peters suggested that a policy under LNG 24.0 on Page 3-90 may be most appropriate for such language. He pointed out that LNG 21.0 addressed development.

Edel Sokol moved that a new LNP 24.2 be added stating "Use farm preservation programs and other tools to preserve historic farm land" and to re-number existing LNP 24.2 to LNP 24.3. Eileen Rogers seconded the motion which carried unanimously (7-0-0).

Referring to Page 3-1 under Introduction, Bud Schindler moved that the second sentence state "This element of the Comprehensive Plan establishes ..." Phil Flynn seconded the motion.

Tom McNerney thought the sentence as written was correct. However, he thought the suggested revision was also correct. He stated that the Comp Plan did establish land use designations and regulations for the county. What Mr. Schindler was suggesting would be more limiting and would make the statement pertinent directly to the element. Bud Schindler stated that if it was meant to read as the original sentence, it should be in the Introduction element of the Comp Plan and not in the Introduction of the Land Use and Rural Element. Dennis Schultz stated that this element did not address all land use designations, citing Agricultural Lands as an example. Mr. Schindler countered that it did not say that it established all land use designations.

The question was called for. The motion on going to the question carried.

The motion failed with two in favor and five opposed (2-5-0).

Bud Schindler referred to the section on Brinnon at the top of Page 3-24 and suggested deleting "a vested application for" because the Post Office was already built. The commissioners agreed by consensus with his suggestion to delete the phrase.

Referring to the last paragraph under Brinnon on Page 3-24, Bud Schindler moved that the last sentence state "... rather than moving away from family and friends to facilities elsewhere." Jim Hagen seconded the motion which carried unanimously (7-0-0).

Bud Schindler pointed out that all of the table numbering in the element should be checked because they did not appear to be consecutive.

Referring to Page 3-26, Bud Schindler moved to delete the paragraph at the top of the page that referred to Table 3-6 because the table itself had been deleted. Tom McNerney seconded the motion which carried unanimously (7-0-0).

Bud Schindler referred to the second paragraph under Master Planned Resorts on Page 3-37 and asked for a definition of "FSEIS". He did not think it would be obvious to everyone and thought it should be spelled out.

Bud Schindler moved that the second sentence in the second paragraph on Page 3-37 under Master Planned Resorts be changed to state "... prior to issuance of a Final Supplemental EIS" rather than using the acronym FSEIS. Eileen Rogers seconded the motion which carried unanimously (7-0-0).

Bud Schindler referred to the middle of Page 3-42 where it referenced a "Matrix of Opportunity", stating that he could not find such a thing in the Plan. Josh Peters stated that there was a Matrix of Opportunity on the county web site for the Comp Plan, but apparently it was not in the revised Plan. He stated that staff had toyed with the idea of dropping all references to the Matrix of Opportunity, but thought there would probably be a reference in the plan that they would miss. He stated that it was certainly a possibility to delete the reference, although there may be other references in the Plan. He stated that staff could do a word search of the document.

Tom McNerney moved that the Planning Commission recommended eliminating any references to a "Matrix of Opportunity" and the sentences accompanying such references. Eileen Rogers seconded the motion which carried unanimously (7-0-0).

Bud Schindler referred to the word "county" on Page 3-44 at Paragraph #9. He noted that it had been lined out and then added back in. He thought the intent was that the word should be capitalized.

Eileen Rogers moved that the word "county" be capitalized in the subject paragraph. Edel Sokol seconded the motion which carried unanimously (7-0-0).

Bud Schindler referred to LNP 14.6 on Page 3-85 and suggested adding "whenever practical" to the policy. Edel Sokol thought the wording came directly from the GMA and thought it should remain unchanged. The consensus was to leave the policy as written.

Bud Schindler referred to LNP 22.1 on Page 3-89. He questioned using the word "variety". He thought it could be taken out of context in specific areas. Jim Hagen pointed out that the word was used in the Act in terms of a "variety of residential densities". The commissioners agreed by consensus to leave the policy as written.

Referring to Page 3-98, Bud Schindler noted that the numbering of all of the strategies was off and should be corrected.

Bud Schindler referred to the one-sentence paragraph under "B. Rural Character Preservation Strategy" on Page 3-98, stating that it was not a complete sentence.

Edel Sokol moved that the sentence be revised to state "... protect rural character and the community." Tom McNerney seconded the motion which carried unanimously (7-0-0).

Jim Hagen referred to LNG 18.0 on Page 3-87 which stated "Preserve rural character and promote rural lifestyle." He stated that the GMA used "traditional rural lifestyles" in several places. He suggested adding "traditional" to the sentence. Edel Sokol asked how "traditional" was defined. The commissioners discussed how one would define the term. Mr. Hagen stated that he raised the issue because the GMA used the term. The commissioners agreed by consensus to not change the wording.

Referring to LNP 17.3 on Page 3-86, Edel Sokol moved that the wording be changed to state "Include provisions to consolidate access points to main arterials." Eileen Rogers seconded the motion which carried unanimously (7-0-0).

There being no further suggested revisions to the draft, Edel Sokol moved that the Planning Commission accept the Land Use and Rural Element as amended at this meeting. Dennis Schultz seconded the motion which carried unanimously (7-0-0).

Eileen Rogers moved that the Planning Commission approve the Comprehensive Plan update of all of the Comp Plan elements as amended and consolidate them into one package and forward them to the BOCC. Dennis Schultz seconded the motion which carried unanimously (7-0-0).

Josh Peters brought the commissioner's attention to Item #18 of the September 22 Staff Report and Recommendation, which was the proposed UDC amendments related to best available science [BAS]. He stated that the only change staff was contemplating suggesting to the BOCC at this time was the substitution of the reference to use the most up to date wetlands rating system manual. He stated that staff was not suggesting any changes to the buffer numbers at this time. He stated that it would be placed at the beginning in 3.6.9. He stated that he had spoken with two wetland professionals. He reported that they had said it [the new rating system] would take some getting used to but it appeared to work fine. Mr. Peters stated that the only thing he had mailed to the Planning Commission was the letter from DOE which referenced the latest wetlands rating system. He stated that, if the county was going to meet the schedule for adoption, the only thing that would change before the Comp Plan amendments went to public comment on November 24 would be the one section which would change the reference to the 2004 Wetland Rating System. Mr. Peters stated that, while it was possible that staff may do some further work on the BAS amendments and make another adjustment or two, it would go directly to the BOCC. He stated that staff would explain that the Planning Commission had reacted to this proposal and not to some future proposal that may be presented at that time.

Edel Sokol asked if the new rating system represented best available science. Josh Peters responded that it would be analogous to the Stormwater Management Manual in the sense that the state agency had worked over a number of years to revise a whole technical guide. In this case it was how to classify and rate wetlands. He thought the last manual was from 1993. He stated that the state was basically telling the counties that they wanted the counties to use the new rating system. He explained that all the manual addressed was how to classify wetlands.

Eileen Rogers moved that the Planning Commission accept the staff recommendation to use the 2004 Wetland Rating System. Edel Sokol seconded the motion which carried unanimously (7-0-0).

Josh Peters asked if the commissioners had any questions about the BAS review or the UDC amendments that accompanied it. Edel Sokol stated that she had seen a presentation about wetland buffers which indicated that buffers did not have to be the same (standard buffers). She thought a person would have to hire a consultant to show that a particular buffer could be other than the standard. Mr. Peters responded that the county was unable to gather the information at the scale needed to be able to set buffers for particular places or situations. Therefore, the county set standard buffers. He stated that sometimes you did need to hire a wetlands specialist or a habitat biologist to show how a use would not affect a wetland, etc. So the county did have some flexibility. But absent the level of knowledge that would be required to assure the wetlands were protected and establish buffers all over the county by rule-making, we were basically saying there was an opportunity to move from a standard buffer closer under certain circumstances. Ms. Sokol stated that the applicant had to prove that. Mr. Peters agreed that was the case. He stated that the law said that if the county did not have sufficient knowledge to be assured that the buffer the county was setting would be sufficient to protect a wetland, then the county had to default to a standard protective buffer. If individual circumstances were such that you could move closer, that was fine, but you had to demonstrate that during the permit process. He stated that, in some cases, you had to get a reasonable economic use variance, but those cases were rare. He described the tests for takings, stating that when you got to about the 90% of economic value of the property

mark, you were at risk for takings. He described some Supreme Court cases, adding that was why the county had the reasonable economic use provisions in our code.

Phil Flynn moved that the Planning Commission accept the Best Available Science review and UDC amendments. Eileen Rogers seconded the motion which carried unanimously (7-0-0).

C. ADJOURNMENT

Tom McNerney stated that this action completed the Planning Commission's recommendations on the Comp Plan amendments. He suggested that the commission could cancel its next meeting. Josh Peters stated that the commission may want to hold one meeting to discuss the work plan for 2005. Mr. McNerney suggested that the Planning Commission meet on the first Wednesday in December.

Jim Hagen stated that the UDC Committee meetings for the rest of the year had been cancelled.

Tom McNerney stated that he would be resigning from the Planning Commission before the end of the year. He provided his reasons for that decision. He commended the commissioners for all of their hard work on the issues over the years, stating that he had enjoyed working with the commissioners and staff. He did not think he had seen any group work so hard for no pay.

Eileen Rogers stated her regret that Mr. McNerney would be leaving the Planning Commission, stating that it had been a privilege to serve with him. The other commissioners agreed. Josh Peters congratulated Mr. McNerney on behalf of the department for his tenure as Chair, stating that Mr. McNerney had done a yoeman's job. Edel Sokol stated for the record the belief that, if it had not been for Mr. McNerney, the commission would not have made the progress it had on the Comp Plan. She also thought that it was due to his hard work in coordinating events that we had the new UGA.

The meeting was adjourned at 9:32 p.m.

D. APPROVAL OF MINUTES

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

Thomas McNerney, Chair

Cheryl Halvorson, Secretary