

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR JANUARY 5, 2005

- A. OPENING BUSINESS
- B. ELECTION OF OFFICERS
- C. UPDATE ON RESULTS OF 2004 COMP PLAN AMENDMENT CYCLE
- D. DISCUSSION ON 2005 WORK PLAN
- E. PUBLIC COMMENT
- F. UPDATE ON UDC OMNIBUS (HOPE) AMENDMENT PROCESS
- G. ADJOURNMENT

**A. OPENING BUSINESS**

The regular meeting was called to order at the WSU Learning Center at 6:30 p.m. by Vice Chair Allen Panasuk. Planning Commission members present were Phil Flynn, Eileen Rogers, Dennis Schultz, Bud Schindler, Jim Hagen, Edel Sokol, and Linda Swisher.

DCD staff present were Josh Peters, Kevin Russell, and Cheryl Halvorson, secretary.

There were two members of the public present - Stephanie Reith, Executive Director of the Jefferson Land Trust, and Wayne King, PUD #1 Commissioner.

Linda Swisher was welcomed to the Planning Commission.

The minutes for November 3, 2004, were approved as submitted, as were the minutes for November 10, 2004.

**B. ELECTION OF OFFICERS**

Due to the resignation of Chair Tom McNerney, Allen Panasuk opened the floor to nominations for the position of Chair. Allen Panasuk was nominated for the position. There being no other nominations, nominations were closed by motion and Allen Panasuk was unanimously elected to the position of Chair.

This action opened the position of Vice Chair. Allen Panasuk opened the floor to nominations. Jim Hagen was nominated for the position of Vice Chair. There being no other nominations from the floor, nominations were closed and Jim Hagen was unanimously elected to the position of Vice Chair.

Allen Panasuk recognized Tom McNerney's and Jenny Davis' work for the county, stating that Mr. McNerney especially had put in countless hours on behalf of the county.

Allen Panasuk invited staff updates. Josh Peters stated that most of what staff had would be discussed during the other agenda items.

Josh Peters pointed out a newsletter from the Western Planner which had articles of interest to the Planning Commission. He also pointed out the APA (American Planning Association) newsletter. He stated that staff was looking into subscribing to the newsletters for the Planning Commission.

Jim Hagen asked if the newsletter information was on the web so that the Planning Commissioners could access it without having to subscribe. Josh Peters replied that a lot of it was, although as with any membership type thing, you would not get all of it. He thought there was a web link from the Long Range Planning site.

**C. UPDATE ON RESULTS OF 2004 COMP PLAN AMENDMENT CYCLE**

Josh Peters reported on the completion of the 2004 Comp Plan amendment cycle. He explained the few changes the BOCC made to the airport proposal. He stated that the Ag Lands piece was passed by the BOCC as recommended.

Josh Peters reported that the BOCC mostly accepted the Planning Commission's recommendation for Part B of MLA04-28 (the Comp Plan update). He stated that

in a few cases they accepted staff's recommendation and in a few other cases they adopted something else that they [the BOCC] preferred.

Josh Peters stated that staff was currently working on the corrected Comp Plan pages and would provide them to the Planning Commission when they were ready. He stated that the land use map was staff's first priority.

Josh Peters stated that all of the Part A piece of MLA04-28 as jointly recommended by the Planning Commission and staff were passed by the BOCC. The UDC piece of Part A dealing with best available science was not adopted by the BOCC. Instead, they sent a letter to the Washington State Association of Counties, with copies to state agencies and legislative representatives, concerning the issue. Mr. Peters stated that the BOCC took action to reaffirm the current UDC provisions for best available science related issues. He offered the opinion that the issue was one that may be appealed to the Hearings Board. He also offered the opinion that the best available science issue was one that had not received enough public scrutiny, noting that the airport issue had taken a lot of the public's attention.

Phil Flynn asked staff to summarize the current appeals. Josh Peters provided information on appeals that were still pending as well as ones that had been settled. They included the seawater intrusion issue, which had been settled. The airport issue, which had been appealed by the Port, was theoretically settled now based upon the 2004 Comp Plan amendments. However, it was possible that someone else would appeal the airport ordinance.

Allen Panasuk asked if it was possible to track the cost to the taxpayers of appeals. After a brief discussion, Josh Peters asked that the issue be tabled until he had completed the review of the outstanding appeals.

Josh Peters stated that the Glen Cove issue was basically finished except that it had been appealed to the courts. He stated that staff was not actively working on the Glen Cove case.

Jim Hagen stated that the petitioner for Glen Cove [Nancy Dorgan of PLC] had provided comments concerning the LAMIRD issue on the Comp Plan update. The comment had indicated that if she was not satisfied with the language, she would appeal. Josh Peters thought the final language in the Comp Plan amendment had satisfied her concern. He discussed the issues surrounding the Glen Cove appeal and the timing of a motion for reconsideration. Also at issue was language in the Comp Plan about revisiting the LAMIRDs. Mr. Peters thought that language had been changed during the 2004 amendment cycle to make it more general by citing the RCWs.

Josh Peters stated that another appeal was from Washington Environmental Council [WEC] having to do with the critical areas part of our code. He stated that there was a settlement agreement which touched on a variety of issues. One issue was channel migration zones. Another was wildlife habitat and corridors. Mr. Peters stated that staff had done that analysis and came up with a way to integrate that information into the UDC, based more upon an incentive program rather than a regulatory program, but the BOCC did not act on it. He thought that may be a sticking issue since those topics were part of the settlement agreement. Mr. Peters stated that another issue in that appeal had to do with the agricultural lands. He thought that issue had been satisfactorily resolved to all parties. Mr. Peters reported that the first basin plan (for Chimacum Creek) was now in its final stages. Once approved by the BOCC, the Conservation District would start plans for the other

basins. Mr. Peters stated that WEC or someone else could appeal the ag lands amendment from 2004.

Josh Peters reported on the appeals concerning the UGA from ICAN and Nancy Dorgan. The latest action on that case was a proposal to negotiate a resolution.

Phil Flynn asked staff's opinion about the vulnerability to the county by negotiating. Josh Peters stated that he did not see any negotiation that would not result in going back into the public process. Mr. Flynn asked if some things could be traded away without going through a public process. Mr. Peters offered the opinion that anything would need to go back to the public process in order to change something. He stated that we did not yet have the petitioner's list of issues to be negotiated. Staff and the commissioners discussed whether the UGA boundary would be revisited. Mr. Peters offered the opinion that the county would probably prefer to have the Hearings Board rule whether the boundary was compliant.

Phil Flynn referred to the ag lands issue and a comment from Nancy Dorgan about wells and water use and depletion. Dennis Schultz stated that she was using that argument in the WRIA 17 planning. He stated that he had written a letter to the WRIA 17 group countering Ms. Dorgan's comments.

Allen Panasuk stated that went back to his point about knowing how much these appeals cost the county. He asked that staff update the Planning Commission each month about those costs.

Concerning the best available science issue, Edel Sokol commented that the BOCC had declined to take action because the state had not done its "homework" on the issue. She thought the BOCC did not want to start something in the county that would cost the county a lot of money when the state had not done its homework first. Josh Peters referred to the BOCC's letter to WSAC for the BOCC's points on the issue.

Some commissioners asked about the schedules for the current appeals. Josh Peters stated that staff could provide that information.

The commissioners and staff discussed UGA development and how it might be affected by the appeals. Josh Peters pointed out that an adopted Comp Plan amendment or UDC amendment was presumed valid unless proven otherwise. Development permits received during that time would be vested under those regulations. At issue was how much development could occur without a sewer infrastructure. Mr. Peters stated that, while LRP staff was involved in the UGA planning for the boundaries and development regulations, implementation of sewer services was now appropriately in the engineering staff area under the auspices of the County Administrator with the Public Works Director. He stated that, while LRP staff may be brought into that planning for certain parts of the package, other departments were now heading the project.

Phil Flynn proposed that the Planning Commission submit a letter to the County Administrator requesting that he instigate the implementation of a workshop concerning an advanced sewer system for the UGA; and that if staff was not available to arrange a program, the Planning Commission would be willing to take on that project using Sequim's sewer system as an example of a modern plant. He stated that Jim Bay from Sequim had indicated that he stood ready to help with a very advanced power point presentation to showcase

Sequim's system. Mr. Flynn stated that the Planning Commission had the ability as part of its charter to make such a recommendation.

Phil Flynn moved that the Planning Commission send a letter to the County Administrator on the topic as he suggested. Eileen Rogers seconded the motion.

Phil Flynn stated that the Planning Commission had taken such initiative on the seawater intrusion issue and, in his opinion, it had been a resounding success.

Eileen Rogers reported on the UGA Committee's visit to Sequim's sewage treatment facilities. She reported that Sequim had received funding from grants for much of the facilities cost. She supported the motion.

Jim Hagen referred to the extensive work that had been done on the UGA in the past year, stating that the sewer system was the heart of the UGA. He thought this was a proactive way to address the issue. He stated that he would be personally willing to work on the issue as much as was needed.

Edel Sokol stated that it was disturbing that the new BOCC majority held the opinion that the UGA sewer issue lacked sufficient public comment. She stated that it was disturbing because the Planning Commission had received extensive public input concerning the sewer. She thought the motion was very important because it could serve the county not only in cost but also for the people who were doing low income housing. She stated that without sewer, the South Seven development could not go forward in its full plan. She thought sewer service was important not only to the commercial development in the Hadlock core but also to the people of the county.

Phil Flynn provided information on the Sequim usage of the recovered water from their treatment plant and how they treated and used the solids. He stated that a similar plant in the UGA could use the recovered water to water the ball fields and H. J. Carroll Park and to recharge the aquifer or Chimacum Creek.

Bud Schindler wondered whether the new BOCC majority were intent upon stopping the UGA. He thought that if the UGA was negated, then the sewer would not be required. Phil Flynn responded that the Planning Commissioners served at the pleasure of the BOCC. He did not think the commission could assume that was the BOCC's intent. He stated that the commission should assume that the UGA was valid as adopted and that we should continue planning towards its completion. He stated that if the Hearings Board found something to be invalid, the issue would come back to the Planning Commission for another public process. He thought the county should follow through with what had been begun.

There being no further discussion, the motion carried unanimously.

It was agreed that Phil Flynn would write the letter to the County Administrator for the Chair's signature.

Getting back to the appeals issue, Josh Peters stated that the Brinnon appeal was completed. He stated that the Fred Hill Materials mineral resource lands overlay had been finished at the Hearings Board level, but the petitioners had appealed to the courts. Jim Hagen asked if the court case could go all the way up the ladder in the court system. Mr. Peters replied that it could

go all the way to the state Supreme Court, although he did not think it would go that far, depending upon the outcome of the lower court case, of course. Phil Flynn pointed out that this court appeal was just about the MRL; it did not have anything to do with the pit to pier. Mr. Peters provided information on how the permit process would go for a pit to pier application, including review and approval by state agencies including DOE for the shoreline permit.

Josh Peters referred to the request concerning tracking the cost of the appeals. He stated that the current tracking of costs was focused on the permitting side of DCD. It was less so on the LRP side. He briefly explained the departments involved in permitting, including DCD, Health, and Public Works. He briefly reported on the Latimore Report, stating that it was focused on the permitting side. Mr. Peters stated that there was a line on his timesheet called "Support to Prosecuting Attorney", although that did not reflect only hours on appeals. However, it would provide the Planning Commission with some information. Mr. Peters stated that he would bring the request up at the staff meeting, but thought that LRP could provide some general cost information at least.

#### **D. DISCUSSION ON 2005 WORK PLAN**

Josh Peters referred to the two-page list titled "Long Range Planning Un-Prioritized List of On-Going Programs and Pending Projects" that was handed out. He reviewed the list. It included on-going programs, policy driven projects, statutorily mandated projects, Hearings Board petition driven projects, and application driven projects.

Jim Hagen asked how much money the county received from the state to do GMA planning, stating that a provision of the GMA was a promise for support to do GMA planning. Josh Peters provided information on money received in 2003 and 2004 for the Comp Plan update, the ag lands planning, and shoreline planning. He stated that it was not sufficient to defer all of the county costs for long range planning, however.

Bud Schindler complimented staff on the comprehensive list. He stated that it begged the question of whether there was enough staffing to accomplish all of the tasks or, if not, what items should be the priorities to accomplish. Josh Peters began his answer by reviewing the 2005 budget and what staffing DCD was able to add. He stated that DCD, in summary, had solved a lot of its problems in the budget process, at least on the Development Review side. He stated that the LRP side was more dependent upon the general fund and/or grants rather than fees.

Josh Peters suggested that an exercise the Planning Commission could undertake was to review the list of work items and provide a recommendation for priorities.

#### **E. PUBLIC COMMENT**

Allen Panasuk invited public comments.

Stephanie Reith, Jefferson Land Trust, stated that a public workshop on the UGA sewer was a good idea. Ms. Reith stated that, while some people very much admired the direction Sequim had taken, there were other people who opposed that direction. She suggested that, if the commission's intent for a UGA sewer workshop was to educate the community about sewers, in addition to

the Sequim representative, the commission find someone from a different community to make a presentation as well. People in the community who did not admire Sequim's direction might acknowledge that alternative. In that way, there would be information about sewers from two different sources. She stated that the public perception issue was the important point. Edel Sokol commented that the commission merely liked Sequim's sewer and not necessarily the direction the city was going. Ms. Reith stated that her only point was the public perception point of view, although she acknowledged that it sounded like Sequim's sewer plant was a good treatment method from a technical standpoint. She stated that if the commission only had the Sequim representative at a workshop, the public perception could be that the county had made certain decisions which could alienate those folks.

Wayne King, PUD #1 commissioner, referred to the policy driven projects section of the 2005 work plan list and the bullet concerning the Public Works project to establish a county surface water management plan. He stated that the PUD was working on a project with the DOE and DOH concerning purchasing the Pederson Lake property for water storage. He stated that it was dependent upon water rights. Mr. King stated that the PUD had signed a letter of support for the graving yard. Also, the PUD was working with the paper mill to get their discharge water in order to recycle it.

#### **F. UPDATE ON UDC OMNIBUS (HOPE) AMENDMENT PROCESS**

Kevin Russell stated that staff had been working on amendments to the UDC. They were making changes to each section based upon comments received from the Development Review planners as well as some housekeeping changes, such as changing from the Uniform Building Code to the International Building Code. He stated that, from the staff perspective, there were some larger topics that staff would like to strategize with the Planning Commission about how to address. One topic was mobile espresso stands or mobile food stands. Another was nonconforming uses. He stated that there were several such larger issues in addition to the pure editing type function.

Dennis Schultz stated that the UDC Committee had done some work before the end of the year but had stopped meeting due to the time crush on the Comp Plan amendments. He stated that the committee had begun work similar to the editing work staff was now doing. He thought the committee could begin meeting again to take on the larger topics as staff suggested.

Jim Hagen agreed with the idea of re-establishing the UDC Committee. He reviewed the work the committee had accomplished, including establishing review and amendment criteria. He thought the committee should schedule a meeting to see where staff was in the process and to settle on a common direction. Dennis Schultz agreed that the committee and staff should arrive at a work plan.

It was pointed out that the UDC Review Committee consisted of Bud Schindler, Dennis Schultz, and Jim Hagen.

Kevin Russell reiterated that there were several major topics that needed to be discussed in detail in order to arrive at a policy direction. Then staff could write UDC amendments based upon that policy direction. In addition, there were a lot of minor text changes that staff could provide to the committee. That was the process staff envisioned.

Dennis Schultz commented that the first action the committee should undertake was to develop a list of amendment criteria for the issues the committee wanted to address. He stated that the list could be changed and improved as the committee went along.

The commissioners and staff discussed how often the committee should meet and when it should start. Josh Peters stated that staff was thinking of starting by providing a list of the policy issues. Then the committee could start meeting to tackle those issues. In the meantime, staff would work on the text of the UDC amendments. The commissioners and staff discussed whether one or two meetings per month would be necessary. Bud Schindler suggested that the committee meet once fairly soon in order to compare notes and begin discussions. It was agreed that the committee would schedule regular meetings on the second and fourth Tuesdays from 1:00 to 3:00 p.m. at the DCD conference room with the first meeting being on January 25. It was agreed that if the committee did not need to meet twice a month in some months, the second meeting could be cancelled.

The commissioners and staff discussed whether the committee meetings needed to be advertised. It was noted that there were differing legal opinions on the issue. Of concern was the possible need to hold an additional meeting where it would not be possible to advertise in the newspapers. It was pointed out that the committee meeting could be continued in such instances with notices on the DCD door and on the web site. The secretary pointed out that the county had been repeatedly accused of not having enough public process. By advertising the Planning Commission's and its committee's meetings, we were able to counter that claim. By advertising, the public had the opportunity to be informed and the opportunity to attend the meetings. Dennis Schultz noted that very few people attended committee meetings during the past year. It was agreed that the committee meetings should be advertised.

#### **G. ADJOURNMENT**

Phil Flynn proposed that the Planning Commission express its support of the BOCC's unanimous support of the siting of the Hood Canal Bridge graving yard in Jefferson County and that the Planning Commission stood ready to docket any county regulations or issues that needed to be brought before the commission in order to expedite the location and development of the graving yard as proposed by the Port and submitted to the DOT.

Phil Flynn moved that the Planning Commission write a letter expressing its support as described. Jim Hagen seconded the motion which carried unanimously.

Allen Panasuk asked that Phil Flynn write the letter for his signature. Edel Sokol stated that the Port would be going to Olympia on January 7 to deliver its proposal to the state DOT. It would be good to have the Planning Commission's letter in that packet.

The commissioners and staff discussed agenda topics for the next meeting. Also discussed was whether the Planning Commission might cancel the January 19 meeting and whether topics could be deferred to the first meeting in February.

Jim Hagen asked if any issues related to the graving yard would need to come before the Planning Commission. Josh Peters stated that the Port property

was within Port Townsend, so the city would address any issues related to that. The paper mill property was within the county, but it was zoned heavy industrial, so there should not be a problem. It was noted that, at one time, there were provisions that the paper mill heavy industrial zone was limited to paper mill associated uses. Dennis Schultz thought those provisions had been eliminated in the latest amendments. Mr. Peters stated that he would check. Barring such a complication, Mr. Peters did not think anything would need to come before the Planning Commission. In reply to Mr. Schultz's question about environmental issues, Mr. Peters stated that they would be dealt with as a project action during the permitting process and would not involve the Planning Commission.

Returning to agenda topics for the next meeting, Josh Peters suggested that if the Planning Commission wished to suggest any Comp Plan amendments, it should meet on January 19 in order to give staff direction. That would provide staff with time to write and submit the amendment application prior to the February 1 deadline. He stated that staff would be submitting a housekeeping amendment.

The commissioners agreed to cancel the January 19 meeting and meet again on February 2. At that time, the county would know what Comp Plan amendments had been submitted. Also, the commission could discuss the UDC omnibus after the committee had held its first meeting.

Allen Panasuk raised the issue of a marina expansion at Port Ludlow. Josh Peters explained the process and the steps the developer had to follow.

The meeting was adjourned at 8:25 p.m.

**H. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_\_ day of February, 2005.

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Allen Panasuk, Chair

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Cheryl Halvorson, Secretary