

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR FEBRUARY 2, 2005

- A. OPENING BUSINESS
- B. UPDATE ON UDC OMNIBUS (HOPE) AMENDMENT PROCESS
- C. 2005 COMPREHENSIVE PLAN AMENDMENTS
- D. PUBLIC COMMENT
- E. ADJOURNMENT

A. OPENING BUSINESS

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

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

There were three members of the public present: Kevin Widell, Al Boucher, and Mike Regan.

The minutes for January 5, 2005, were approved as submitted.

The Chair invited staff updates.

Josh Peters reported on the Growth Management Steering Committee [GMSC] meeting that was held on January 26, 2005. He stated that the minutes for that meeting would be mailed to the commissioners.

Bud Schindler asked how the County-wide Planning Policies [CWPP] were used. Josh Peters explained that they were intended as overarching planning policies for the counties and cities in coordinating planning efforts for the jurisdictions under the GMA. He stated that a project that would probably happen this year was to update the CWPP to reflect changes in the GMA since the adoption of the CWPP. There was some question about whether the amendments to the CWPP should go through the Planning Commissions for both the city and county. Mr. Peters stated that the GMSC had evolved over time, since both jurisdictions had adopted their comprehensive plans, to be a regional body for review and communication. Mr. Peters stated that the CWPP were very important when it came to the county talking to the city about Major Industrial Developments [MIDs] a couple of years earlier.

Josh Peters reported that the county had put in a request for assistance with the Puget Sound Action Team [PSAT] for looking at the county code to make sure it was set up to accommodate as optimally as possible low impact development techniques for stormwater management. He pointed out that the county had adopted the 2001 DOE Stormwater Management Manual. He reported that since then the DOE and PSAT had coordinated development of a technical manual about low impact development techniques, which was basically an alternative to traditional stormwater engineering. He stated that the county had applied for a grant to see if there could be some involvement from the PSAT in that process, which could dovetail right into the Omnibus process.

Josh Peters reported that the county had also applied for a grant to update our Shoreline Master Program [SMP]. He stated that the county was not required to do that until 2011. However, the policy of the BOCC had been to do it earlier. He thought there was a pretty good possibility that the grant could be funded by the legislature because of the water quality issues related to Hood Canal. Also, the county had started its shoreline inventory process. He stated that, if the funding came through, the county would be moving on the SMP fairly quickly and the Planning Commission would be reviewing it in preparation for adoption in mid-2007.

Josh Peters stated that the county had received a small emerging issues grant from CTED for a stakeholder involvement process. He stated that it tied in

with the Omnibus project and staff would talk about it more during that agenda topic.

Josh Peters referred to the 2003 issue for the exemption from standard buffers for existing and ongoing agriculture. He reported that there was a group of farmers in the Chimacum basin who had worked on a best management practices plan for agriculture. The idea was that the farmers would develop a plan, implement it, and then monitor it to see if it was working. All of that would be in lieu of standard buffers. He stated that the Chimacum plan was now done, so the Conservation District would be moving on to other areas of the county where there were ag lands. He thought the Conservation District would attempt to do one plan for all the other ag lands areas, rather than doing separate plans. While the Conservation District would be leading the process, the county would be involved as well. He stated that it all tied together, because we needed to make sure the plans were effective. If they weren't, the county would be back before the Hearings Board on the issue, and it was possible that the county would have to revisit our regulations.

Josh Peters reported on the new personnel additions in DCD. The positions were all on the DRD or Building side of the department.

Allen Panasuk asked about the Latimore Report, stating that the Planning Commission had asked for a copy of it. Josh Peters replied that he had just received the report and would provide it to the Planning Commission.

Returning to the GMSC meeting, Josh Peters reported that another topic had to do with MIDs (RCW 36.70A.365) and Industrial Land Banks [ILBs] (RCW 36.70A.367). He explained the intent and purpose of the two GMA provisions. The MID provisions had been developed and adopted in this county. There was now interest in the ILB issue. He reported that the Economic Development Council [EDC] and the Port of Port Townsend were particularly interested. He stated that the EDC was working with CTED on developing an inventory of available land that was currently zoned. Then we could have a better understanding of whether we needed additional land and whether an ILB would be the appropriate tool to use.

Jim Hagen asked about the role of the Planning Commission in the ILB process and whether there had been any discussion about the Planning Commission taking an early lead in the issue, even if it was a preliminary role, especially given the 2007 sunset of the ILB provision. Josh Peters responded that there had not been any discussion about the Planning Commission taking on the issue, although he emphasized that the discussions were just preliminary at this point. He acknowledged that the Planning Commission would have a role in the process at some point. He reported that there was some movement to get the legislature to change the sunset date so that we would not have to be in such a rush to address the issue. He stated that the EDC had indicated that the study [inventory] would take a certain amount of time, and we were already pressed for time. He explained that the tool was available for counties to accomplish, but there were partners (the cities) that had to be consulted and certain things had to be done first, such as the inventory. Clearly the EDC was a partner as well. Mr. Peters stated that the issue was a major policy issue that was coming from the GMSC and the County Administrator and BOCC. He stated that was the point of the discussion right now. He stated that the Planning Commission was not discussed at the meeting as being involved at this preliminary stage, but that did not mean that the Planning Commission could not consider the issue.

Mr. Hagen asked whether staff had discussed it after the GMSC meeting. Mr. Peters responded that the GMSC meetings occurred every quarter, although there would be another meeting in February. He thought the main focus of that meeting would be about amending the CWPP. One of the topics that were proposed for adding to the CWPP was a section on master planned locations for urban industrial development. He stated that it was an issue of setting up the process for who would do what, and who would pay for what, because it would be expensive to do the necessary studies.

Dennis Schultz asked what type of process would be used for a graving yard that might be located in this county. Josh Peters replied that a graving yard use would fit more likely as a MID which we had already addressed and had provisions for siting.

Edel Sokol stated that an MID was intended for a particular proposal that we had in hand, whereas an ILB was for the future. The commissioners discussed the ILB provisions for two master planned locations. Allen Panasuk thought it behooved the county to do something on the issue before the sunset passed and we lost the opportunity. Josh Peters stated that the BOCC would be sending a letter to our legislators asking that the sunset be extended. Ms. Sokol stated that the Planning Commission could be the "driver" for the issue, stating that it was a role of the Planning Commission to take on such issues as a lead entity.

The commissioners and staff discussed the work that would need to occur before any ILB could be designated. Josh Peters pointed out that no other jurisdictions in the state had completed an ILB process, although there were a few working on it. He stated that some other jurisdictions had completed MID planning.

Edel Sokol read the provisions in the RCW relating to ILBs, stating that the law was written specifically to include Jefferson County.

Jim Hagen thought there were a lot of preliminary things that the Planning Commission could be capable of taking on and even initiating. He stated that part of the charter of the Planning Commission was to initiate action on issues that were important to the county. Dennis Schultz cautioned that whatever the Planning Commission took on would require staff, consultant, and/or technical support, which would take budgeting. Kevin Russell stated that the Port had a meeting with CTED on the topic and county staff had been involved with those discussions. He described the presentation materials provided by CTED. He stated that the issue had not been taken on by many counties yet, so there were lots of questions and a process had not been refined. He stated that staff had been involved preliminarily. Mr. Russell stated that Clark County had done some work on the ILB issue and were farther along than this county.

Jim Hagen emphasized that the issue was not one that needed to be finished immediately, but it was an issue that should be addressed sooner rather than later. He stated that, as a small county, we had already been asked to be on the cutting edge of the GMA updates. That was kind of, in a sense, an unknown area. He thought this [the ILB] may be another area where Jefferson County could be in the forefront of defining how the ILBs would be implemented.

Edel Sokol stated that we had two years. She offered the opinion that the legislature would not get into the ILB issue and extend the sunset provision

because of the other pressing work it had to do. She thought that if we wanted a land bank in this county, the Planning Commission needed to be the initiator.

Bud Schindler asked about staff availability for working on the ILB issue. Josh Peters replied that he thought it was a recognized potential project, but the policy direction from above was not such that everyone was marching towards it. However, the EDC was going forward with the land inventory of developable land, which would be useful for a variety of things, including the ILB. He stated that the county, in conjunction with partners through the GMSC, would need to make the policy and budgetary decision that it was something we needed to pursue. That had not yet happened and was the reason he referred to it as a potential project. Mr. Peters stated that he would take the message back that the Planning Commission was very interested in the issue and was interested in taking on pieces of the project as time permitted. He suggested that the Planning Commission take a look at the RCW and think about what parts of the issue the commission would want to take on.

Allen Panasuk stated that there was a lot of support on the Planning Commission for working on the ILB issue. Josh Peters stated that the staff interpretation of the law was that you could do the ILB planning outside of the annual Comp Plan amendment cycle. That was an advantage we had in trying to meet the deadline.

The consensus of the Planning Commission was that the ILB issue should at least be investigated and that it would be a shame for the county to lose the opportunity just through lack of action. Josh Peters stated that he would take that message forward.

B. UPDATE ON UDC OMNIBUS (HOPE) AMENDMENT PROCESS

Kevin Russell reported that the first UDC Review Committee meeting had been held. He handed out a listing of the issues the committee would be working on and a proposed timeline.

Kevin Russell stated that one issue was the formatting. He stated that we were now changing the UDC to the format and citations used in the Jefferson County Code [JCC] for consistency. He stated that the UDC was Title 18 of the JCC.

Bud Schindler asked if the code publishing company captured anomalies. Kevin Russell replied that the code company did send lists of questions and corrections for staff to respond to.

Kevin Russell stated that the committee was concentrating on policy issues and new uses that needed to be addressed, citing mobile espresso or food stands as an example. He reported on the staff work in preparing material for the committee to review.

The commissioners and staff discussed adult businesses. Edel Sokol stated the opinion that the use should be addressed. She advocated allowing the use in an industrial area. Bud Schindler thought it would take some research and discussion. Josh Peters stated that if the Planning Commission wished for the use to take a higher priority, it would take a certain number of staff hours which could have an impact on the timeline. He stated that Port Townsend was working on the issue, but until they had regulations formulated, they had placed a moratorium on the use. He stated that the use had a First

Amendment component to it. He thought there would be issues to consider in what type of zoning you would allow such a use to be in. Bud Schindler suggested that the issue would require some research. Mr. Peters stated that, if the Planning Commission thought the issue should hold a higher priority, then the commission should consider what other issues would not receive as much scrutiny or accept that the timeline would need to be adjusted (lengthened). Mr. Schindler suggested that perhaps the committee or full Planning Commission should consider all the UDC issues and develop a hierarchy of priorities and agree upon what the committee should be focusing on. Allen Panasuk suggested that another way would be to work on the issues identified by staff and, as the committee got through the process on those during the timeline, it could take up the adult business issue. Kevin Russell stated that staff had identified some of the major issues, as depicted on the handout. He stated that staff had not started the research on adult businesses, although he had done some preliminary work on the Internet. Mr. Panasuk stated that, as time progressed, it was something the committee could take on. Mr. Russell stated that he could have something for the committee on February 8. Jim Hagen stated that it was an issue that could be more expensive in the long run if we were not ready for such a use. Some commissioners thought it was an issue that would come up in the future and we should be ready. Mr. Peters stated that, while this was an issue the commission was interested in, he had not heard anything on it from the Courthouse. He stated that he would bring it up.

Bud Schindler referred to the residential LAMIRD issue and the mixed use LAMIRD issue. He wondered whether there should be some work done on those issues. Josh Peters stated that the Planning Commission had addressed the issue during the Comp Plan update in 2004 to some extent. He stated that he would talk about what suggested amendments had come forward from the Courthouse for the 2005 amendment cycle. One had to do with the Comp Plan. He stated that may be an opportunity for the Planning Commission to further address residential LAMIRDs. Mr. Schindler asked if there was anything related to the UDC that should be done. Mr. Peters replied that he did not think so, unless you might want to add another column on the use table. He stated that it would depend on what one was talking about.

Bud Schindler asked how someone could go about subdividing an undeveloped parcel of land that was surrounded by a residential LAMIRD into smaller parcels that were more consistent with the sizes of the surrounding parcels. Josh Peters responded that it would be a Comprehensive Plan issue. You would designate on the map a residential LAMIRD with a corresponding density. He stated that the UDC only said that you could divide land consistent with the density. Mr. Schindler stated that it was an issue that related particularly to the South County, although he saw other areas around the county where residential LAMIRDs applied.

Kevin Russell stated that the current timeline indicated completion of the Omnibus project in about August, 2005. He stated that one of the components was the EIG Stakeholders. Josh Peters stated that the county had received a modest amount of grant money to do a stakeholder involvement process. It was intended to gain information and insight into the concerns and issues of the county's customers which could then be addressed in the development code. He stated that staff thought it would be good to use the Omnibus process as the context to create advisory panels that could be worked with in perpetuity. He stated that one of the advisory panels would also work on the land inventory for the ILB planning issue. The other advisory panel would be charged more with permit issues, permit processing and efficiency. He stated

that the whole idea was in the conceptual stage and invited Planning Commission ideas. He described the purpose of the two panels and possible membership. One would be the Land Use Planning and Economic Development Advisory Panel [LUPEDAP]. He stated that the committee would participate in the Omnibus process as well as other things, such as the ILB issue. He stated that the idea was to get another body with experience in the macro economic development picture of the county to provide some assistance with the Omnibus project. He stated that the panel would provide a recommendation to the full Planning Commission. He stated that the idea was to insure more involvement. He pointed out that in the past the Planning Commission and staff had gone through an entire public process and then found out that there was an interest group that had not been involved for some reason. The panel would also be used for other future "big picture" economic development activities, like MIDs or ILBs.

Edel Sokol asked for clarification about the panel, including who would appoint the panel members. Josh Peters replied that the county had not settled on that, although he thought we may go to the different interest organizations and ask for representatives. He stated that, so far, staff had only discussed it with the EDC and County Administrator. He stated that it was still basically in the conceptual stage. Other methods of acquiring representatives would also be considered. However, now that the county had the funding coming in, we wanted to start moving on it.

Josh Peters stated that the other advisory panel, the Building Permit Advisory Panel [BPAP], would be for the development community. The Building Official would be more involved with that panel. It would be an ongoing panel for communicating with the building community. He described the topics the panel might address.

Bud Schindler asked if this was something that had been done elsewhere and proved to be successful. Josh Peters responded that Clallam County had a more formal panel than we were considering. He thought we were considering a more informal process.

In response to Bud Schindler's question, Josh Peters explained that "EIG" meant "Emerging Issues Grant". He explained that the county had received an EIG grant for the ag lands issue.

Allen Panasuk offered the opinion that the second group (BPAP) could be more beneficial to the county than the first (LUPEDAP). He thought the second group may add redundancy to the process and may be a waste of staff time. Josh Peters responded that the Omnibus was the impetus for the second panel. It was partly based on a perception that the code was restrictive in some way. He stated that one survey result indicated that perception in the 2003 Sommers Report. He stated that one purpose of the group would be to tell the county what it was about the code that was restrictive, whether it was not enough land zoned a certain way or whether it was certain sections of the code or there may be a general feeling, but it was not attached to a specific part of the code. Mr. Panasuk stated that his point was the amount of additional staff time it would take to support another panel. Also, another panel could create a redundancy. He pointed out that there were avenues for input, with the Planning Commission being one and the BOCC being another. He pointed out that one purpose of the Planning Commission was to gather input from the interested public.

C. 2005 COMPREHENSIVE PLAN AMENDMENTS

Josh Peters stated that the deadline for Comp Plan amendment applications was February 1. He stated that we had six known applications for site specific amendments. He reviewed those six applications and stated that they would automatically go forward to the Final Docket.

Josh Peters then reviewed the two suggested amendments that were proposed. Both suggested amendments were from the county, generated from the courthouse. He reviewed the docketing process, which included a public hearing before the Planning Commission with a recommendation to the BOCC on which suggested amendments should go forward to the Final Docket.

Josh Peters stated that there were two potential UDC amendments in addition to the two Comp Plan amendments. One was for the Omnibus and another was to continue exploring the best available science [BAS] issue.

Josh Peters stated that one suggested Comp Plan amendment was a placeholder for the general amendments that were related to what happened last year. Also, there was a suggested amendment to proactively look at the Comp Plan and UDC as they related to the UGA. It was related to a compliance process the county was currently undergoing. He reiterated that only those two were on the preliminary Comp Plan amendment docket. The others were related to the UDC and would not be on the Comp Plan amendment cycle timeline.

In response to Edel Sokol's question, Josh Peters summarized the appeals on the UGA. He stated that the deadline for appeals on the other 2004 Comp Plan amendment and UDC actions that occurred in December was February 22. So, we did not yet know if other appeals would be filed.

Jim Hagen asked if there was a negotiation going on between the county and one of the petitioners for the UGA appeal. Josh Peters stated that his understanding was that an attorney representing a petitioner approached the county and asked if the county would be interested in a settlement agreement, and in support of that, asked if the county would be interested in an extension of time. He reported that the county had responded that it may be interested, but would only support an extension of about thirty days. Then a proposal came forward from the petitioner and the county responded that the county would not explore a settlement agreement and wanted to go forward with the compliance process.

Edel Sokol asked if any negotiated settlement would go through a public process, stating that many people had worked very hard on the UGA issue and should have input into any settlement. Josh Peters replied that his understanding was that any settlement would involve proposals that would go through a public process.

Josh Peters stated that the Planning Commission should schedule a public hearing on the docket. He suggested holding the public hearing on March 2. Then the Planning Commission could make a recommendation about the Final Docket at its March 16 meeting. He noted that it would only be for the two suggested Comp Plan amendments.

Edel Sokol asked if there would be an opportunity for the Planning Commission to revisit the drive-in theater property and that intersection. Josh Peters

replied that the placeholder suggested Comp Plan amendment as directed by the County Administrator was for potential Comp Plan narrative and policy amendments related to what happened in 2004. He stated that, while the Planning Commission could recommend whatever it desired, he thought it would be a stretch because the amendment did not talk about the land use map. He reminded the commissioners that he had talked in January about the Planning Commission suggesting Comp Plan amendments. Since there was no interest at the time, the second January meeting had been cancelled. He stated that would have been the opportunity for the Planning Commission to develop a suggested amendment on that property. That being said, Mr. Peters stated that he did not want to put any undue restrictions on what the Planning Commission may want to recommend.

Dennis Schultz asked about when the Planning Commission would get the Comp Plan amendment applications. It was pointed out that staff would make notebooks for each commissioner containing all of the applications. They would probably not be ready for distribution until the next meeting. It was pointed out that the March 2 public hearing would only be on the two suggested amendments. The site specific amendments would automatically go forward to the Final Docket. Staff agreed to mail the two suggested amendment applications to the commissioners in the next mailing.

Josh Peters discussed the amendment cycle schedule, noting that other issues such as the UDC Omnibus may have an impact on it. He stated that staff hoped to complete the Comp Plan amendment cycle earlier in the year than we had experienced in 2004. However, other issues may negatively impact that hoped for schedule.

Dennis Schultz stated that the UDC Review Committee had discussed working with staff and the full Planning Commission to arrive at a united recommendation to send forward to the BOCC. Josh Peters agreed that the optimum situation was to have a recommendation from both the Planning Commission and staff that were the same. He reviewed the Planning Enabling Act section concerning Planning Commission recommendations being forwarded to the BOCC through the department. He stated that there would sometimes be cases where the Planning Commission's and staff's recommendations would not be in complete agreement. Having agreement would be the optimum situation and he noted that we had achieved that in numerous occasions in the recent past.

D. PUBLIC COMMENT

The Chair invited public comments.

Kevin Widell stated that he had been a county resident for eighteen years and was a business owner. He stated that he had applied for a site specific amendment this year. He stated that it would be unfair for him to talk about it at this time because the commissioners were not yet aware of it. He stated that he had made a decision to no longer be ignorant about the process. He stated that he would attend the meetings, figure out how the process worked, and be part of it. Mr. Widell referred to the adult business issue. He stated that he knew two people who owned such businesses. He stated that they were "cash cows" which they used to feed other businesses. He stated that other counties controlled them by specific zoning, and limiting their signage and hours of operation. He stated that it was suggested that they be put in an industrial park. He thought that would go against the industrial zoning by putting a commercial business in an

industrial zone. He referred to the discussion about the ILB. As a business owner in the community, he thought the airport was a desirable location for an ILB. However, he stated a preference to see a combination of Port and private land in an ILB, if the airport was used as one. He stated that having to lease land from the Port chased away a lot of business. Having some private land available would be a benefit to business.

Mike Regan stated that he was just present to watch.

E. ADJOURNMENT

Josh Peters stated that the next meeting could be used to discuss the Comp Plan amendments, both suggested and site specific, in more depth.

Edel Sokol stated that it would be important to have public participation on the Comp Plan amendments because some may be contentious. Josh Peters described staff's thoughts on how to address public participation. Ms. Sokol asked if the information would be on the web site. Mr. Peters replied that there would be a web page devoted to the 2005 amendment cycle.

Josh Peters stated that another issue the commission could discuss on February 16 was potential Planning Commission involvement in the preliminary planning process for ILBs. Edel Sokol referred to staff's comment that the EDC would be doing a land inventory. She suggested that would be information the Planning Commission could use. Mr. Peters stated that he would contact the EDC to see if they would send a representative to make a presentation. If not, staff would try to get some information to share.

Edel Sokol referred to the critical areas issue, commenting that staff had indicated that the state was willing to come make a presentation. Josh Peters responded that the DOE had talked about coming to the county to discuss the 2004 Wetland Guide. That was more of a technical discussion. Another issue was a communication from the Governor's Office wanting to come to talk to the BOCC on the overarching aspects of the critical areas update.

Edel Sokol stated that one thing that concerned her, and one of the reasons the BOCC did not adopt the critical areas regulations last year, was that they [the BOCC] did not think this county should be on the cutting edge for something this important because of the appeals that would come with it, which were very expensive for the county. She asked for staff's opinion. Josh Peters stated that he could understand that feeling. He stated that he was not sure that action would be successful in avoiding an appeal, however, because failure to act was an appealable action. Therefore, he thought there may be an appeal anyway. Ms. Sokol asked what was meant about the state not doing their homework on best available science. Mr. Peters referred to the letter the BOCC sent to the Washington Association of Counties. The letter basically described their position. He stated that one reference was specifically to one document that DOE put out in 2004 that was guidance for development regulations protecting wetlands. That document was still in draft status. Ms. Sokol questioned why we would or should change anything when it was still only in draft status. She thought we should wait until it was actually final. Mr. Peters stated that the DOE document would not be law; it would only be guidance. He stated that staff had not had time to fully incorporate that recommendation anyway, so staff had not recommended taking all of the guidance and implementing it. He stated that there was an earlier DOE document in 2004 about the wetland rating system that was finalized. Staff did recommend going to that rating system because the county

had been working under an earlier rating system from 1993. That was not adopted either.

Edel Sokol referred to the Sunday Peninsula Daily News article about the UGA and County Commissioner Sullivan's comments about the sewer. She stated that the Planning Commission had had many people before it about the sewer issue. She suggested that the secretary send forward to Commissioner Sullivan the Planning Commission minutes from that meeting in which the citizens of the UGA said clearly that they did not want the sewer in their residential areas.

The meeting was adjourned at 8:15 p.m.

F. APPROVAL OF MINUTES

These minutes were approved this _____ day of February, 2005.

Allen Panasuk, Chair

Cheryl Halvorson, Secretary