

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR FEBRUARY 16, 2005

- A. OPENING BUSINESS
- B. PRESENTATION/DISCUSSION ON 2005 COMPREHENSIVE PLAN AMENDMENTS
- C. DISCUSSION ON INDUSTRIAL LAND BANK PROVISIONS OF THE GMA
- D. PUBLIC COMMENT
- E. ADJOURNMENT

A. OPENING BUSINESS

The regular meeting was called to order at the WSU Learning Center at 6:33 p.m. by Chair Allen Panasuk. Planning Commission members present were Phil Flynn, Edel Sokol, Eileen Rogers, Dennis Schultz, Bud Schindler, Jim Hagen, and Linda Swisher.

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

There were two members of the public present: Nancy Dorgan and Michael Regan.

The commissioners reviewed the minutes for February 2, 2005. The secretary noted two spelling corrections and one small addition near the bottom of Page 2. Allen Panasuk referred to the last paragraph on Page 7 where the commissioners were discussing the two groups. He clarified that the minutes should reflect "... second group (BPAP) could be more beneficial ...". He also wished to add that the point of his comment had indicated that the second group (the LUPEDAP) may add redundancy to the process and may be a waste of staff time. Jim Hagen clarified his comments on the land banks issue in the last full paragraph on Page 4. The minutes indicated that he did not think it was an issue that "needed to be finished soon". Mr. Hagen stated that was not how he meant the comment. He did not think it needed immediate attention, but it was an issue that should be addressed sooner rather than later. The minutes were approved as amended.

Bud Schindler referred to the second paragraph of the February 2 minutes and asked how Comp Plan amendments were generated from the courthouse; the process used in generating them. The commissioners agreed to leave the discussion until the agenda topic on the 2005 Comp Plan amendments.

The Chair invited staff updates.

Josh Peters reported that the Peninsula Section of the Washington Chapter of the American Planning Association would hold a winter conference at Fort Worden on March 31. While it would mostly be for planners, he stated that it would also include topics that would be of interest to planning commissioners or other people interested in local planning. He stated that one morning session would include a Short Course on Local Planning delivered by CTED. He stated that when the conference agenda was finalized, he would forward the information to the Planning Commissioners. While there would not be a charge for the Short Course, there would be a fee for the rest of the conference topics and the food service. It may be possible for the Planning Commission budget to pay the fee for any commissioners who wanted to attend.

Allen Panasuk asked if staff was planning to provide a presentation on the Latimore report. Josh Peters pointed out that the Latimore report was on the permitting side of the department and Long Range Planning was not that involved in it. Mr. Panasuk stated that now that the report was done, he wanted to know if it had been worth it and would benefit the taxpayers of the county. He wondered what we had learned that we did not know before and whether it was well spent money. As a taxpayer, he did not mind spending money if it was well spent. Phil Flynn suggested that Al Scalf should provide a presentation.

B. PRESENTATION/DISCUSSION ON 2005 COMPREHENSIVE PLAN AMENDMENTS

Josh Peters handed out copies of the legal notice for the Planning Commission public hearing on March 2 on the Preliminary Docket, from which a recommendation for the Final Docket would be made. Mr. Peters stated that, if the commission recommended against forwarding a suggested amendment to the Final Docket, the commission should include its reasoning for such recommendation. Notebooks were handed out containing copies of the nine site specific Comp Plan amendments and the two suggested amendments. Included in the notebooks was a list of the amendments plus a list of the proposed UDC amendments for 2005.

The commissioners and staff discussed how the two suggested amendments, MLA05-66 and MLA05-67, were generated from the courthouse. Jim Hagen asked if the BOCC were subject to a different standard for generating suggested amendments, wondering whether they were required to make such a request through an open public meeting of the BOCC. He stated that the public process was very prominent in the GMA. Edel Sokol stated that her reading of the BOCC minutes indicated that they had not taken action to direct the formulation of the two suggested amendments. It seemed that the two suggested amendments were coming forward as a result of direction from the County Administrator to DCD staff. Dennis Schultz wondered whether the process was flawed, which in turn could render the whole amendment process noncompliant if an appeal was filed. Bud Schindler stated that if the suggested amendments were generated at the courthouse, it really represented the BOCC. He thought there was a gap in the process.

Josh Peters reported that a joint workshop of the BOCC and Planning Commission had been arranged for March 10 at 10:00 a.m. at the courthouse. Mr. Peters stated that the Planning Commission hearing notice listed some of the issues to be considered in the suggested amendments. He reported that those issues had been generated in a public session with the BOCC.

Allen Panasuk and Jim Hagen questioned the thought process about the need for the two suggested amendments. Their concern was that the Planning Commission had worked many hours on the Comp Plan update in 2004, along with staff and the commission's committee. The commissioners and staff discussed the difference between the GMA required update topics and the discretionary amendments that were also proposed by the Planning Commission. Mr. Panasuk stated that his concern was that the BOCC had not been specific about what issues they wanted to be addressed further.

Edel Sokol was concerned that the Planning Commissioners had not yet received the updated Comp Plans in order to know what the issues were that ought to be addressed at the March 2 public hearing. Dennis Schultz commented that the commission did not know what changes were proposed. Josh Peters stated that holding a public hearing on the placeholder suggested amendments was no different from the Planning Commission public hearing on the 2004 Preliminary Docket. He noted that the Planning Commission did not have specific amendments until August, 2004. This was a very similar situation. Mr. Peters pointed out that the Planning Commissioners could get copies of the new "clean" chapters from the county web site. Also, the commissioners still had the line-in, line-out versions from the deliberation process in 2004. He explained the problems staff was trying to overcome in order to produce new, updated Comp Plans. Ms. Sokol stated that her point was that the commission was supposed to hold a public hearing on March 2, but the commissioners did not have a document from which to work. Phil Flynn stated that, moreover,

the commissioners did not have the issues that should be revisited. He stated that we surely were not going to revisit the whole Comp Plan.

Jim Hagen stated that he had a different characterization about what happened last year and a different characterization about the similarity between last year and this year. He stated that, as nearly as he could ascertain, what was done in 2004 was required by law. Josh Peters added that the GMA said "to assure compliance". Mr. Hagen stated that there had been amendments to the GMA that resulted in the 1998 Comp Plan being non-compliant. He disagreed with the thought that the county could have done nothing and still have been compliant. Mr. Hagen stated that there were different interpretations, as often happened in legal matters, of what was discretionary. He spoke about the consequences of not doing the required update by December, 2004. Concerning the placeholder amendments similarity issue, Mr. Hagen stated that in 2004 the charge to update the whole Comp Plan made it impossible to say at the beginning what should be done because the Planning Commission had to go through the whole plan and examine it for redundancies and relevance given circumstances since the 1998 adoption. He described some of the changes in the GMA that required amendments to the Comp Plan. He disagreed that the placeholders were similar in nature. Mr. Hagen referred to the Vision Statement of the Comp Plan where it discussed bottom up planning utilizing citizen input and the fiscal aspects of the decision-making. The Vision Statement acknowledged that the Comp Plan would be revised due to circumstances that could not be anticipated at the beginning of the planning process. He referred to a statement which said "To this end, the Plan must ultimately support a community and a future that is livable, affordable, and sustainable." Mr. Hagen stated that sentence was the basis, besides the legal requirements, of the driving force behind the update of the Plan. He stated that there had been changes and circumstances regarding affordability and livability issues that had changed dramatically between 1998 and 2004. He stated that the Planning Commission and its committee had spent a lot of time and effort on the Comp Plan. He had a distaste for the term "discretionary". He stated that the Planning Commission was a volunteer citizen advisory group. The commission's charge was to take into account the best interests of their fellow citizens. To describe that action as discretionary undermined all of the hard work the Planning Commission had put in on both the UGA and the Comp Plan update.

Phil Flynn offered the hope that, by the time the Planning Commission met to make a decision, the commission had what it needed to go forward and what issues were potentially non-compliant. He stated that the commission wanted to know what the flaws were so that the commission could work on them, try to get citizen input on them, in order to bring forward a recommendation to the BOCC. He thought it was only fair for the Planning Commission to have information on those areas that the BOCC thought needed help.

Allen Panasuk asked how long it would be before the Planning Commission would have the new Comp Plans, noting that it had been two months since adoption. Josh Peters stated that the commissioners could still use their copies of the line-in, line-out versions of the revised chapters, which the commissioners had since before December. Also, "clean" versions were available on the web site. He offered to print copies of the "clean" versions, but it would still take some time to make copies for the Planning Commission. Mr. Peters explained some of the logistical challenges staff was working with, mapping being one big issue. He stated that he had not sensed the type of urgency the Planning Commission was now indicating.

Dennis Schultz stated that the Planning Commission did not need the maps in order to review proposed text amendments. He stated that the Planning Commission had a public hearing coming up on two proposals at which the commission had no idea what changes were being proposed. There were only the vague proposed amendments that did not tell the commission or the public anything. He questioned how the commission could hold a public hearing and get public comment when no one knew what to comment on. While some people may have emotional issues with the Comp Plan and may want to request changes, the Planning Commission had no idea about what changes would actually be proposed and whether those citizen requests would be part of the changes.

Josh Peters referred to Mr. Hagen's comments. He stated that the word "discretionary" was not used in a pejorative way. The word was used in 2004 to describe the amendment, with Part A being the statutory requirement and Part B being the discretionary portion. While he understood now that Mr. Hagen was upset by it, he did not mean anything by it; he was only using the same term that was used last year and which did not appear to upset anyone. Mr. Peters stated that he thought there was a similarity to last year in that we were only asking people to comment on whether the public thought it was a good idea to have the two placeholder amendments be placed on the Final Docket. It was not about specific proposals within them. It was not about the merits of the proposal at this stage of the process. It was about whether the proposal merited being put on the Final Docket as something to put resources toward and to review. Mr. Peters stated that he sensed that if there was a straw poll held at this meeting, the Planning Commission would recommend against sending them forward. Mr. Peters stated that the Planning Commission would have an opportunity to meet with the BOCC to see what their concerns were.

The commissioners asked about the meeting with the BOCC on March 10 and who set it up. Josh Peters explained that staff had suggested that the BOCC attend the March 2 Planning Commission hearing, but they had declined, although he did not know why. Instead, the BOCC staff had set the March 10 date for the joint meeting. Mr. Peters stated that his interest was in the logistics, timeline and meeting the process requirements. The timeline required that the BOCC consider the Planning Commission's recommendation at their second regular meeting in April. He stated that Mr. Hagen had pointed out the optional joint meeting section of the UDC and the BOCC had been in favor of it. He stated that he had just received the meeting schedule on this date.

Jim Hagen stated that he was not upset about staff's use of the term "discretionary". He understood the way it was used in GMA terms. However, the word could have other connotations. His question was when the BOCC had or would identify specifics they were interested in seeing addressed in this review.

Bud Schindler asked what would happen if the Planning Commission held its public hearing and meeting with the BOCC and then decided to recommend that the two suggested amendments not go forward to the Final Docket. Josh Peters explained how the process would work, stating that if the BOCC did not agree with the Planning Commission's recommendation, they could hold a public hearing and then establish the Final Docket as they chose, because it was the Board's docket.

Phil Flynn stated that the two suggested amendments were presented in order to revisit what was done and completed last year. If the BOCC wanted them to

be on the Final Docket, they would be. However, if they were going to be revisited, he would want to know what issues merited that revisitation.

Jim Hagen referred to the BOCC meeting on February 14, stating that Commissioner Sullivan had asked staff about funding and staff time required for the Comp Plan amendments. He also referred to the time that would be required to review and amend the UDC, which was a large project this year. Also there was some discussion about land banks and the need for regulations on adult businesses. He stated that the county had a full plate with the site specific amendments and the other issues before the county this year. Staffing and funding for all of it was an issue. He stated that, in light of all that, it begged the question of whether there was enough time to review everything.

Edel Sokol questioned whether we would re-review the Comp Plan next year too. She thought it sort of created a double jeopardy situation. She stated that people had followed the process, but all of a sudden the process had changed again before the ink was even dry. She thought we should move on and make a decision on the amendments or ask for clarification about them. Allen Panasuk asked if Ms. Sokol was making a motion that the Planning Commission not approve the two suggested amendments until the commission knew what they were about. Ms. Sokol stated that she was not, because she did not know what the commission would be voting on. Mr. Panasuk stated that was the crux of the problem.

Allen Panasuk asked for staff's opinion about how to proceed. Josh Peters suggested that the Planning Commission hold the public hearing on March 2 on the Preliminary Docket (the two suggested amendments). The question before the Planning Commission would be whether the two amendments should be placed on the Final Docket for consideration and to be brought forward to the public on the merits of an actual proposal.

Dennis Schultz asked what the commission would consider at the public hearing. He asked if it would open the hearing to people coming in and saying everything they thought was wrong with the county and expect the Planning Commission to put it all on the docket. He thought that right now the Comp Plan was wide open for anything and everything. He questioned how the public would know what to talk about.

Allen Panasuk asked about the process for the site specific amendments. Josh Peters described the process, pointing out that the site specific amendments automatically go forward to the Final Docket. He stated that later the proponents would be invited to a meeting to make a presentation on their proposals. Hopefully, that would be a joint meeting with the BOCC so that the BOCC could hear the presentations at the same time. There would be a staff report and SEPA analysis of the site specific amendments. Then there would be a public hearing on the merits of those proposals.

Dennis Schultz referred to the March 2 hearing on the suggested amendments and questioned how the Planning Commission could make a decision when it did not know what the proposals were. Josh Peters suggested that it was like the process in 2004 and what a person in the audience would be thinking during the same stage in the process when we only had a placeholder for MLA04-28 on the Comp Plan update. Mr. Schultz stated that at least then there was an outline. We knew that the Comp Plan had to be brought up to date with the GMA. Mr. Peters stated that it was the same kind of process as had been done

in the past under the UDC. He pointed out that the process could perhaps be changed under the UDC review and revision that would also happen this year.

Jim Hagen stated that the big distinction about last year was that it was mandated to be completed by December 1, 2004, from the state. If these two suggested amendments did not make it to the state by December 1, 2005, they would not care; they were not required. This was not a mandatory, statutory requirement, whereas last year was. That was a huge distinction in his opinion.

Edel Sokol referred to the Housing Element, stating that she remembered getting comments from CTED specifically on the Economic Development Element and she thought there were also comments on the Housing Element. The commission suggested amendments to the elements in response and apparently CTED liked them.

Josh Peters advised that the Planning Commission follow the process and make a recommendation to the BOCC on March 16. While he sensed the commission's frustration, he thought the March 10 joint meeting would be the perfect opportunity to talk about the content of the suggested amendments with the BOCC.

Allen Panasuk reported that, at the BOCC meeting on February 14, the BOCC had indicated that they wanted to hold a workshop on the issues they wished to include in the suggested amendments. He hoped they would accomplish that task before the joint meeting on March 10 and would be able to provide that information to the Planning Commission. The commissioners and staff discussed whether the public would be able to comment at the March 10 joint workshop.

Phil Flynn summarized that the Planning Commission would hold a public hearing on March 2 to hear from the public about the two suggested amendments. Then the commission would have a joint workshop with the BOCC on March 10 to hear their concerns and issues. Then the Planning Commission would formulate its recommendation to the BOCC at its March 16 meeting.

Josh Peters reiterated that the process was not about the merits of any specific proposals. It was the idea of including the general, thematic placeholder amendments on the Final Docket for further future consideration. Allen Panasuk stated that the reality was that the BOCC could put them on the Final Docket in any case.

Bud Schindler asked about the agenda and flow of the joint workshop. Josh Peters replied that the agenda had not been set. He stated that it would be held at the courthouse with the BOCC staff taping the meeting and doing the minutes, which would be typical of a Board workshop. He stated that since it was a joint workshop, he imagined there was the opportunity to work out the agenda jointly.

Allen Panasuk polled the commissioners to see how many could attend the joint workshop on March 10. Jim Hagen stated that a joint workshop with the BOCC was a good idea if for no other reason than to directly address the Planning Commission's concerns and thoughts and to find out specific issues the BOCC had.

C. DISCUSSION ON INDUSTRIAL LAND BANK PROVISIONS OF THE GMA

Josh Peters stated that Tamer Kirac, Executive Director of the Economic Development Council, had agreed to attend the next Planning Commission meeting. He would speak about the EDC activities and their desire to do an inventory project, which they were starting. It required additional funding, which they were seeking. The inventory of developable land could be used for many purposes, including as an important step in the planning process for designating one or two master planned locations as part of an industrial land bank under 36.70A.367.

Josh Peters reported that Lewis County had started a process to designate a master planned location under .367. He explained that they had a company that acted as the proponent of the designation who basically provided the funding for the studies, etc. that were required. That process fell apart. Then the county went to the "bird in hand" process under 36.70A.365. They tried to adopt an ordinance that set up development regulations to consider an application for a MID at any given location selected by a proponent at the same time they were trying to consider the merits of a particular application from a company. They had some trouble with that approach. Mr. Peters stated that the Hearings Board ultimately said that the approach itself, the concept, was okay but suggested ways the county could have done it better.

Josh Peters stated that this county had developed a process for a .365 siting of a MID. That process was adopted a few years ago so that, if this county had a proponent come forward, we had a process in place.

Josh Peters stated that Clark County was working on the process as well but he did not know how far along they were. He stated that Clark County had multiple UGAs, which may pose some complications for them.

Josh Peters stated that those were the only two counties he had heard anything about.

Edel Sokol commented that, apparently, the BOCC did not like the Economic Development Element. She suggested that the EDC representative come to the joint workshop with the BOCC.

Jim Hagen stated that he would suggest a joint workshop with the BOCC to discuss the ILB issue and would suggest that the Planning Commission send a letter to the BOCC suggesting that. The commissioners did not think the March 10 workshop would provide enough time to address both the suggested Comp Plan amendments and the ILB issue. The commissioners thought a separate workshop would be appropriate.

The commissioners discussed inviting Tamer Kirac of the EDC to attend the March 10 joint workshop since the suggested amendments could have an effect on economic development in the county. It was suggested that Mr. Kirac be provided with copies of the two suggested amendments.

Jim Hagen moved that the Planning Commission send a letter to the BOCC expressing its interest in pursuing planning procedures for 36.70A.367 as soon as possible. Edel Sokol seconded the motion which carried unanimously.

Edel Sokol asked if staff had researched the adult business issue and what other jurisdictions had done. Josh Peters replied that staff had some material to provide to the UDC Committee.

Josh Peters referred to the commission's apparent interest in having a role in the ILB discussions. He asked the commissioners to review the .367 provisions and discuss what role the commission would like to undertake. He suggested that the Planning Commission include in its letter to the BOCC a suggestion about which pieces of the ILB process the Planning Commission was interested in taking on.

Jim Hagen referred to some correspondence between Senator Hargrove and CTED on the ILB issue. There was also a letter from Mary Winters, attorney for the Port, which raised some questions. He thought there were still some uncertainties about MIDs and land banks. The Mary Winters letter included comments about not being aware of any proposed changes to .365 or .367. Mr. Hagen stated that the growth management working group of stakeholders made a recommendation in 2004 that hit at the heart of the issue. He stated that there was a provision that recognized what the economically distressed counties needed with regard to ILBs. The working group said that the provisions were hard to implement because it was unclear at what point in the designation process the existing listed criteria for designated ILBs must be accomplished. Their proposal was to amend the existing process for designating a bank of no more than two master planned locations for major industrial activity to separate criteria required to be met at planning level and criteria required to be met as sites within the bank were developed. He thought that was a crucial thing. On one hand, he heard that MIDs were "bird in hand" project specific and that ILBs were designated sites. He pointed out that there were no provisions in the UDC for an ILB although there was for a MID. He had suggested to the UDC Committee that the MID language be merged to include the ILBs. He had been told that it could not be done yet because there still needed to be planning done. He thought part of the confusion was how much planning it took to designate a land bank that was not for a specific project. He asked at what point the MID would take over once it became project specific. Josh Peters responded that the report Mr. Hagen referenced from the working group was from early 2004. A bill actually went through the legislature and was signed by the governor that addressed those concerns.

Josh Peters explained that designating something on the land use map was a Comp Plan action. When you designated a zone, typically you had goals and policies governing the zone, as well as development regulations. He stated that if the county wanted to go down the path to designating land under .367, we should concurrently have development regulations that went along with the zone as it was established. Mr. Peters explained that to establish development regulations without establishing a zone was premature.

Jim Hagen stated the opinion that this county was like an early day explorer with doing its required Comp Plan update in 2004. He thought that other counties, as they did their updates, would be able to draw on this county's, and the other counties required to do updates in 2004, experience. The same seemed to be the case with the land banks. He thought the bill Mr. Peters referred to was SB 6534. That was the same language as was in the updated GMA document. He thought the wording was already in the new GMA copy. He did not see some of the more user friendly aspects. Josh Peters responded that one would have to compare it to what was in the Act before. Mr. Peters stated that the biggest difference in .367 was the idea of having the infrastructure in the ground when you set up the zone, or at least be pretty far along with infrastructure planning.

Jim Hagen referred to the Mary Winters letter, which raised several questions. He thought that could be a role for the Planning Commission - to take on some of those questions. One question was whether a county could designate the two sites prior to the sunset time without necessarily going through the entire process conditioned on completion of the process prior to any development. Bud Schindler wondered why you would have a process to take you through to an end point but be able to stop half way through. Mr. Hagen replied that the planning required for an ILB was as comprehensive as it would be for a site specific MID. He stated that an MID was for one manufacturer. He stated that he had heard that an MID actually became a UGA. That was why MIDs were encouraged to be located next to existing UGAs. However, an ILB was a multi-tenant site; it was not for just one business. It still had to satisfy the criterion of a parcel so large that it could not be sited within the existing UGAs. Mr. Hagen stated that he had done a lot of reading on the issue and was still having difficulty understanding the differences between the two. He thought that just by the Planning Commission discussing it, it would be a good exercise to bring out the issues, concerns and questions. In response to Mr. Schindler's question, Mr. Hagen offered the opinion that the planning for an ILB should not be as comprehensive as that for a MID. Mr. Schindler thought that the MID process was more complicated than it should have been.

Josh Peters explained his interpretation of the .367 section of the Act. He thought the process was not that complicated. He explained how the planning and designation would work. It included the planning and development regulations for up to two master planned locations as part of the industrial land bank. The development regulations would clearly be for a major industrial development. When the actual company came and wanted to site there, the development regulations would govern that, just like for any other zone that we set up.

Bud Schindler asked how you could then approve an ILB designation before completing the process. Josh Peters replied that was a question and discussion raised by an attorney in a letter; it was not part of the law.

Phil Flynn referred to the motion about a joint workshop with the BOCC on the ILB issue. Allen Panasuk stated that he would suggest adding the ILB issue to the agenda for the March 10 joint workshop.

Dennis Schultz stated that the UDC Committee had discussed the adult business issue. It had been suggested that the committee or the Planning Commission write a letter to the BOCC stating that the Planning Commission wanted to investigate the issue and suggesting a moratorium on such businesses for six months, with a six month extension, while the Planning Commission worked on the issue.

Dennis Schultz moved that the Planning Commission send a letter to the BOCC stating the Planning Commission's interest in investigating the adult business issue and suggesting a moratorium on such businesses for six months while the commission worked on the issue. Edel Sokol seconded the motion which carried unanimously.

Allen Panasuk asked the UDC Committee to write the letter for his signature.

D. PUBLIC COMMENT

The Chair invited public comments.

Nancy Dorgan, Port Townsend, referred to the placeholder amendment issue. She stated that the UDC amendments were also placeholders. She thought a problem with putting placeholder UDC amendments forward was the issue of consistency with the Comp Plan, when the county was also proposing placeholder Comp Plan amendments. She questioned how you could make a judgment at this point in time about the consistency between the two kinds of amendments. A much safer approach, in her opinion, was to put them all on the docket together. Concerning the ILB issue, Ms. Dorgan thought it was an interesting topic. She stated that it was basically a site specific rezone. She offered the opinion that the parties that should be doing that were the owners of the properties. In this case, it seemed to her that the Port was the only party that had come forward with an interest. She stated that the Port was not talking about it this year because the inventory was not yet done. She thought that attributing some urgency to the issue now was premature. She did not see it as something for this year.

E. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

F. APPROVAL OF MINUTES

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

Allen Panasuk, Chair

Cheryl Halvorson, Secretary