

**Jefferson County Planning Commission**

**Minutes for March 16, 2005**

- A. Opening Business
- B. Staff Updates
- C. Presentation/Discussion on Latimore Report on Permit Efficiency
- D. Recommendation to BOCC on 2005 Comprehensive Plan Amendment Final Docket
- E. Public Comment
- F. Other Business
- G. Adjournment

## **A. Opening Business**

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

DCD staff present were Josh Peters and Al Scalf

There were no members of the public present.

There was agreement to postpone the approval of the minutes of the March 2, 2005 meeting until the next meeting.

## **B. Staff Updates**

Josh Peters reported that Cheryl Halvorson had a successful surgery last week and expects to attend the next meeting. Handouts to the Commission included a travel reimbursement form, memorandum of housekeeping issues (for those who did not make the meeting with the BOCC on March 10), a table of needed Comprehensive Plan corrections, and a draft memo from the Planning Department to the BOCC about the final docket, which includes a Planning Commission recommendation for discussion. The recommendation is that #MLA05-66 be docketed to address housekeeping issues and MLA05-67 not be docketed. He solicited changes to the recommendation as the Commission desires.

Eileen Rogers asked whether there had been any action on her request at the last meeting for a total cost of consulting and contracts for the recent UGA.

Al Scalf agreed to send a document in the next meeting packet that includes costs for professional services, contracts and clerk hires for the year 2004. The total cost was \$130,000. When asked about the cost of an appeal, Mr. Scalf estimated \$20,000 per appeal for the prosecuting attorney, special deputy if needed, and staff time to generate the record. There have been roughly \$500,000 in overall legal costs for appeals since 1990, not including the roughly \$4 million in costs and staff time involved in implementing the Growth Management Act from 1990. He provided an overview of the actions during this time. After Josh Peters further explained how Staff tracks time for appeals there was discussion about how these might be tracked individually, so the cost per appeal is known.

Jim Hagan noted that one of the provisions of the GMA was to help jurisdictions plan under GMA. He asked how much of the \$4M supporting funding spent had been received from the State. Mr. Scalf said he didn't have this figure, but it was not close to half. Phil Flynn felt the public would be shocked to know how much had been spent.

Al Scalf noted that three years ago the shift to "fee for service" was an attempt to remove the department's dependence on the General Fund. Out of a total Department budget of \$1.4 million in 2004, the expenditure for long range planning was over \$200,000.

Jim Hagan asked for the ratio of costs of services and the fees received. Mr. Scalf responded that the \$200,000 for long-range planning is transferred from the General Fund. The rest of the Department operates on fee for service and is self-supporting. When asked if the fees for service are in excess of the cost of service, Mr. Scalf said he believes the fees are falling behind costs such as would be discussed later related to the Latimore Report. People

coming in for lawful permits have to pay for compliance. He further explained how these fees are paying for the Department, including a Compliance Officer.

Josh Peters reported that the Land Use Planning and Economic Development Advisory Panel had held its first meeting last week, for which the Commission should have already received the meeting notes. The next meeting - Wednesday of next week from 7:30 to 9:30 AM at Point Hudson - will address the objectives in adopting the Unified Development Code and some of the issues identified by Staff for review with the help of the Planning Commission. This would also provide an opportunity to hear from others. Comments at the last meeting were less about obstacles in the code and more about policy, the amount of land zoned for industrial or commercial use, infrastructure, etc.

Asked how the meeting was structured, Mr. Peters said there had been an attempt to try a new approach - Dynamic Facilitation - in which you first determine what attendees want to discuss, providing an opportunity for people to get things off their chest. The relationship between the City and County also came up frequently and much was learned. The next meeting would open with a slide presentation and solicit feedback on a particular topic. The group felt that the county - and the region - still lacks a cohesive economic development strategy.

Al Scalf indicated that he would be attending four monthly meetings in Olympiato work on surface mining opportunities as part of the rewrite of RCW 78.44. His goal is to get a tax on sand and gravel at the point of extraction and would like to come back to the Planning Commission to discuss this topic.

Josh Peters reported that, at the Commission's request, the BOCC had adopted a six-month moratorium on adult businesses. Now that this is in place, Staff would like to finish working on the omnibus package before addressing the other piece. The committee is still interested in gathering information. The County Administrator and City Manager may be planning to meet to discuss this topic. Mr. Peters noted that, based on past court cases, the City could have a problem if they were to restrict adult businesses to more than 500 feet from another certain type of business such as a school. The County is different because they have more land than the City, where the amount of commercial land is limited.

Cautioning that six months will go by fairly quickly, Jim Hagan recommended the committee not lose momentum and continue to work on this issue. There would be another hearing by the BOCC in two months and this topic could continue to be addressed in committee.

### **C. Presentation/Discussion on Latimore Report on Permit Efficiency**

Al Scalf reviewed the results of the permit efficiency audit, conducted by Kurt Latimore, an industrial engineer from Snohomish County who had developed and designed this system. He believes Staff benefited from the audit. The Latimore report, which has been distributed to the Planning Commission, had six standout areas for the Department: website, pre-application conference, consistency checklist, permit techs, office relationships, and on-the-ground results. Areas identified for improvement were as follows: break the feedback loop, break the average time between interruptions for Staff, constraints such as the 14-day review period, decorum of citizens to Staff, measurement control, work in progress, working on mission and vision between permitting offices, and ongoing caseload and workload. Latimore would like to see Staff meet the constraints of the 14-day review 85% of the time. If this could be addressed, the next constraint would be septic permits. Latimore suggested the DCD Director get out of production - not be reviewing on-going permits,

preparing staff reports, and writing decisions. Instead, the Director should be spending half his time working with and monitoring Staff and the other half on design and capacity development with the County Administrator to bring this flow to the courthouse for policy development. Latimore typically does not recommend hiring new staff in any of his audits, but he recommended three immediate hires, including a building official and a development services manager, who would also be the UDC administrator as well as manage code compliance. While there has also been a recognized need for a biologist at some point (fish, wetland, forestry) and a hydrologist, Latimore's audit also verified that the caseload is more than twice than recommended for the development review division.

Phil Flynn asked whether there had been a calculation of charges associated with staff answering questions on the side when working with owners, builders, and contractors, etc. Mr. Scalf stated there is a \$49 per hour fee for revisions and consistency review. Many services do not include charging a fee such as planner of the day or research work for realtors. Josh Peters said they had also received feedback that the development process is so complicated that the average person cannot do it without coaching.

Edel Sokol commented that there are also increasing rules and regulations.

Dennis Schultz asked whether the workload is constant over the year or contains peaks and valleys. Mr. Scalf indicated that over the last few years, the workload has been constantly rising at a rate of over six percent.

Observing that we do not have any tax base to speak of, Allen Panasuk asked how we compare to other counties of our size. Mr. Scalf noted that the expected "train wreck" was advertised last year did not occur because of sales tax revenue collected on new construction. Mr. Scalf suggested that if the County has another year like last year, more staff would need to be hired. The department is aware that it fluctuates annually with the volume of development permits.

In further discussion about possibly raising the fee schedule, Eileen Rogers observed that the County fees are cheaper than the City.

Jim Hagan commented that one of the most stunning items to him in the report refers to the high skills required to succeed in understanding the nuances and sophisticated planning brought on by GMA. He saw the report's phrase "it is increasingly beyond the average individual landowner to develop in Western Washington by themselves" as an indictment of the complexity of the regulations required, something over which Staff has little control. Under suggested improvements, there was mention of simplifying the reviews so that tasks can be completed with fewer interruptions. He asked if this could be done within the code requirement.

Mr. Scalf noted that one of the challenges is how to get the site plan approval advance determination (SPAAD) out in 30 days rather than the average of 50-60 days.

Allen Panasuk suggested beginning to fix the staffing problems and asked why continue to expend money on the audit. He also questioned the necessity and productivity of the additional meetings Staff have proposed, citing the increased strain on Staff time and the expense. Mr. Scalf noted that while most of these issues were already known, it was important to identify the other constraints. In looking at areas for improvement and the feedback loop, he questioned his authority to mandate these changes as it involves many departments.

Dennis Schultz suggested the possibility of delaying the opening of the department to the public to allow Staff more uninterrupted time.

Referring to the cost of an appeal and the complex diagram of the feedback loop on page 13, Jim Hagan said the loop seems to be initiated by active land-use special interest groups/appellants.

Dennis Shultz noted that this does not simply represent that type of appeal, but someone who intends to build something on their property that no one has ever built before. Mr. Scalf noted there are also people who apply one day and then begin calling the Commissioners the next day.

Mr. Scalf confirmed that the reference to active land-use special interest groups/appellants referred to may be the People for Livable Community (PLC), but added that it also includes the Washington Environmental Council and others. Mr. Hagan noted that this discussion began by trying to find out what these appeals are costing the DCD in attorney and staff time. Agreeing that this complex feedback loop is initiated by these groups, he did not think Latimore had addressed what some of these groups are costing the County.

Mr. Scalf said Latimore characterized this interested part of the community as being highly educated, with time on their hands, and actively involved in the community. The County has to be careful about closing people out of the process as this is a right within a democracy.

Jim Hagan acknowledged this as part of the democratic process but questioned whether these appeals of such a substantial nature are really beneficial. There are external pressures on the feedback loop that are beyond the building department's control. He asked if requirements for what constitutes standing could be developed.

Josh Peters said he felt that, regarding the feedback loop, Latimore was primarily talking about the development and review process not the appeals on GMA actions. Clearly, there are external things that are long-range, but when it says appeal, he thinks they are talking about permit appeals.

Eileen Rogers asked what kind of reaction Staff had gotten from the BOCC regarding this. Mr. Scalf responded that Staff would be going before the Board in a few weeks.

Phil Flynn asked if the Board had given Staff the authority to make these changes, to which Mr. Scalf replied that he does not have authority over Environmental Health. Phil Flynn suggested that even so, there are some things the DCD Director could implement.

Mr. Scalf indicated that the cost of the next steps from Latimore would be \$27,000.

Edel Sokol said there are a lot of people in this county that do not have sustainable income or retirement funds and they basically cannot afford a house and are destined to live in a manufactured home.

Phil Flynn also suggested the possibility of collaborating with other counties or jurisdictions on such consulting expertise.

Bud Schindler asked if the get-well plan is being developed so that the County can institute some of these things. Mr. Scalf again pointed to the recommendations to hire staff. He said sometimes it takes an outside agent to help facilitate this vision and mission.

Allen Panasuk said it appears to be a lot of money to spend when you already have people with the brains to do it.

Jim Hagan asked Mr. Scalf whether the outline contained enough for him to institute some of the changes within Environmental Health and Public Works. Mr. Scalf indicated although these two groups have been working together for years, he would like to see a uniform methodology. He said Commissioner Rodgers would particularly like to see how to get a vision at the staff level that is measurable. The feedback loop would need to be examined by the County Commissioners. The constraints speak for themselves, but the real constraint would come in the area of septic if the 14 day review period was dissolved.

Mr. Hagan asked if in Phase II the consultant would engage in most of this work - craft a mission statement with input from the department heads. Mr. Scalf said the mission and vision would be established in a retreat setting with the County administrator, the Director of Public Works, Environmental Health and DCD Director and selected Staff.

Eileen Rogers said it seems the County Administrator could meet with the three directors to work out the major constraints.

Mr. Scalf commented that his Staff is eager to see improvements and appreciated the feedback without taking it personally.

Bud Schindler talked about the importance of the plan before putting forth the serious effort, and then having some way to measure progress toward the plan. He is not convinced that the mechanics are in place to begin to move forward so that the Department could see progress toward the goal.

Mr. Scalf noted there are other pieces to the puzzle of which the Commission is probably unaware of such as the Department's existing performance standards.

Jim Hagan said even with experts, there is difficulty in establishing a cohesive or efficient operation when turnover of teams has affected performance. He said the enticement of better pay does not seem to be a realistic carrot to keep planners. Mr. Scalf agreed to the complexity of this community and the challenge of getting new staff up to speed. People come to the community for the quality of life. Jim Hagan asked how far below the median pay scale is the County for planners. Josh Peters thought it in the \$5-15,000 range.

Allen Panasuk thanked Mr. Scalf for the presentation and asked that he get buy-in from other departments before the Jefferson County taxpayers' money gets spent. Strong management is needed to carry out the plan.

Edel Sokol asked how many sewer plans existed before the UGA. Mr. Scalf said there was a 1982 sewer plan and then the one Marc Horton did.

Jim Hagan identified as one of the constraints all of the Environmental Health time taken up on septic. This is just one example that when the cost of the sewer is put to the public for an estimated \$10 million, it should also be pointed out that it isn't a total of \$10 million, because you are going to be reducing other long-term costs.

#### **D. Recommendation to BOCC on 2005 Comprehensive Plan Amendment Final Docket**

Allen Panasuk then asked if there are any recommendations to the BOCC on the Comp Plan amendment and the Commission began a review of a memo from Josh Peters.

Jim Hagan said the memo identified map questions to be included in the housekeeping. He asked if any of those mapping problems fall under exemptions to the annual amendment process (9.3.1.d), "technical non-substantive

corrections to manifest land use mapping errors, which do not involve interpretation of criteria for various land use designations contained in the comprehensive plan." Mr. Scalf noted that the last time this was done was in Brinnon and it cost \$20,000.

Jim Hagan expressed concern that we are trying to define the nature of housekeeping, but have yet to identify any specific housekeeping tasks related to the Comp Plan itself. He asked if a housekeeping measure is needed if we are talking about inserting the population table before the first 50 or 100 copies of the new updated plan is printed. Would you also need a housekeeping measure to move the UGA chapter from chapter 2 to 5?

Mr. Scalf said this is a placeholder.

Mr. Hagan said the particular sentence that troubles him is the one that says, "we have suspicions (we meaning DCD), that based on how quickly the package was put together last year and based on some of the public comment before the Board before the legislative action in December, that there may be areas that need correcting or updating." He called this language very vague and asked what comments were being referred to and what was meant by "correcting." The language in the memo leaves a lot open to interpretation. He asked if the amendment could be put off for another year in order to be made more specific.

Eileen Rogers felt that, regarding the draft memo that Josh Peters had provided before the meeting, the following language seems clear: "...MLA05-66 be docketed but only for the purpose of housekeeping involving maps, anomalies, text and table corrections only and not for the purpose of amending policy of narrative description." She asked Jim Hagan if this statement makes him uncomfortable.

Jim Hagan was comfortable with that more specific language. He understands the map anomalies as well as the need to move the UGA chapter but sought clarification as to the definition of a text correction and whether this placeholder is for additional text narrative or for corrected grammar.

Josh Peters explained that he put this memo together rather quickly in an attempt to say something about the Comp Plan because there has not been an analysis of the Comp Plan text. He remembered there were some things that Staff didn't catch last year as well as someone who testified before the Board. Since that time, we discovered an error in the most important table. This exercise could happen this year or put off to another year in acknowledgement that people are uncomfortable with parts of it.

Dennis Schultz said that the question is changes that need to be made. If we docket this as proposed, Staff would make the changes and run them past the Planning Commission, who gets to recommend its own changes. Mr. Scalf clarified that the Commission would not be seeing map changes, rezones or policy changes, etc. [as part of this "housekeeping" effort].

Josh Peters said Staff needs to take care of corrections where there are arguably two different zones applied to one parcel, which happened last year. There are only two cases he can think of, but he says there are some strange cases that their map person has discovered. For example, there is really no reason that a parcel of an acre or less should be zoned one to twenty. It would help create a better correlation between the existing zones and the existing parcels that are out there; there would be no change on the ground. That person would not be able to subdivide that acre whether it was zoned one to five or one to twenty. It is a policy issue, in a sense, that we could

discuss and if the Commission and the BOCC decided they didn't want to do that, that's fine.

Phil Flynn asked if there is a necessity other than clarity. He understands that if we do not docket it, it could be done next year.

Mr. Scalf said Staff also does not like placeholders, but they have done them in the past. In this case, Staff would like to change some things, though they do not like placeholders any more than the Commission does. While the BOCC has the authority to do moratoriums, interim controls, etc., if the BOCC wants to make changes for something like the urban growth area, they would prepare a line-in, line-out version for 2006 cycle.

Dennis Schultz asked to clarify that if the Commission does not docket MLA05-66, it is out of the loop for reviewing changes, to which others responded "No."

**Eileen Rogers moved that the Commission not docket MLA05-66 or MLA05-67. The motion was seconded and carried by a unanimous vote.**

**E. Public Comment - None**

**F. Other Business**

Allen Panasuk announced that Linda Swisher and Eileen Rogers would be leaving the Planning Commission. He thanked them both for their service. Edel Sokol recognized and complimented Eileen Rogers' work with Randy Kline on the UGA. She was also recognized for her representation of the citizens regarding the sewer topic. Eileen Rogers said it has been a pleasure to serve and she learned a lot; it was a wonderful opportunity. She also recognized the loss of Linda Swisher because she would have been a wonderful asset to the Commission.

Phil Flynn asked about Watershed Planning project affecting Marrowstone Island. Josh Peters noted that staff members of the Natural Resources division and Environmental Health have been attending WRIA meetings. He was not aware of any reference to the seawater work at the Water Resource Inventory Area (WRIA 17) meetings. The only reference might have been in a proposal that in those areas where there are seawater intrusion regulations in effect that this idea of having a water reserve would not be applicable because of the strength of those regulations. He has attended some of the meetings, but currently there is no Environmental Health Director or a Natural Resources Manager. Someone could be hired for this joint position soon. Josh noted there have not been very many building permit applications on Marrowstone. Without building permit pressure other things have taken Staff's attention.

**G. Adjournment**

The meeting was adjourned at 8:30 p.m.

**H. Approval of Minutes**

These minutes were approved this \_\_\_\_\_ day of April 2005.

---

Allen Panasuk, Chair

---

Joanna Sanders, Secretary