

JOINT MEETING
OF THE
JEFFERSON COUNTY PLANNING COMMISSION
AND
BOARD OF COUNTY COMMISSIONERS

MINUTES FOR APRIL 6, 2005

- A. OPENING BUSINESS
- B. PRESENTATIONS ON 2005 SITE-SPECIFIC COMP PLAN AMENDMENTS
- C. PLANNING COMMISSION RECOMMENDATION ON 2005 FINAL DOCKET
- D. ADJOURNMENT

A. OPENING BUSINESS

The joint meeting of the Jefferson County Planning Commission and Board of County Commissioners was called to order at the WSU Learning Center at 6:30 p.m. by Planning Commission Chair Allen Panasuk. Planning Commission members present were Dennis Schultz, Phil Flynn, Jim Hagen, Bud Schindler, Edel Sokol, and new commissioners Peter Downey and Mike Whittaker. BOCC members present were Pat Rodgers, David Sullivan, and Phil Johnson.

DCD staff present were Al Scalf, Josh Peters, Kevin Russell, Kyle Alm, and Cheryl Halvorson, secretary. Other county staff present were John Fischbach, County Administrator, and David Alvarez, Chief Civil Deputy Prosecuting Attorney.

There were about fourteen members of the public present. Those who signed the guest list were Sue Schroader and Jon Rose, Olympic Property Group; Pamela Pepper; Linda Skurdal; Steve Kirkpatrick; Beth Nelson; Claudia Monroe; Eric Monroe; David Goldsmith; Nancy Dorgan; Timothy Pinckney; and Kevin Widell.

The Planning Commission minutes for March 2 and March 16, 2005, were approved as submitted.

Chairman Panasuk invited staff updates.

Al Scalf described the purpose of the joint meeting. He introduced the County Commissioners and County Administrator.

Al Scalf stated that the BOCC had requested that the Planning Commission reconsider the commission's recommendation for MLA05-66 and suggested the commission discuss the issue towards the end of the meeting as an addition to the agenda.

Dennis Schultz moved that the topic be considered after the public comment period at the end of the meeting and then hold another public comment period. Jim Hagen seconded the motion.

Jim Hagen stated that he had prepared diligently for the site-specific amendments and really was not prepared for a discussion on MLA05-66 and MLA05-67. He suggested that the Planning Commission take the issue up at a later meeting in order to properly prepare. Pat Rodgers stated that he thought the Planning Commission would be well prepared for a discussion on MLA05-66 because it was now more refined and a smaller proposal. He stated that MLA05-67 was basically off the table. He stated that the BOCC would like to have the Planning Commission's thoughts because they valued the commission's input. He stated that the BOCC would meet on the issue in any case, but they desired to have the commission's thoughts.

The motion carried unanimously.

Josh Peters reported that CTED representatives would be meeting with the BOCC on April 14 on general growth issues and on best available science. He stated that he had handed out a summary on the concept of critical areas in Washington State planning.

Josh Peters stated that the Growth Management Steering Committee would meet on April 19. The topic would be potential amendments to the County-wide Planning Policy.

Josh Peters provided an update on the activities of the Land Use Planning and Economic Development Advisory Panel [LUPEDAP]. The panel had met twice. The third meeting was scheduled for April 27. The topic would be the economic situation in the county. The LUPEDAP meeting would last for an hour and would be followed by a CTED sponsored all-day workshop. He stated that he would provide the Planning Commission with the CTED workshop information.

B. PRESENTATIONS ON 2005 SITE-SPECIFIC COMP PLAN AMENDMENTS

Al Scalf stated that the purpose of the meeting was a forum for the applicants to make an introduction to the Planning Commission and BOCC for their applications; it was not a decision-making forum.

Allen Panasuk stated that he would allow MLA05-51 to be presented out of order in order to facilitate the applicant's travel schedule.

MLA05-51, Kirkpatrick

Kyle Alm described the location of the subject property on the Toandos Peninsula facing Dabob Bay. The application was for a rezone from RR 1:20 to RR 1:5. He stated that the subject parcel was bordered by RR 1:5 zoned parcels and was also adjacent to state timber property.

Linda Skurdal thanked the Chair for accommodating their travel needs. She further described the location of their property. She stated that their parcel had been clear cut prior to their purchase. She stated that they had put in a well and had obtained a conventional septic system permit. They had also redeveloped some of the old logging roads on the property. She stated that they desired to subdivide their twenty acre property into four 5-acre parcels with a cluster development of four residences where the four parcels intersected. She stated that due to the topography, any neighbors would not be able to see the cluster of housing. She stated that they wanted to maintain the forest environment and had actually planted additional trees on the property.

Linda Skurdal provided a map depicting the zoning surrounding their property. On one side were parcels smaller than five acres. On another side, their property was bordered by 5-acre parcels. On another side was Commercial Forest. On the fourth side were parcels smaller than five acres. She stated that their proposal would continue to provide the same type of mixed densities.

Linda Skurdal stated that should they ever get to the point of developing their properties, they would do it as a cluster in the center. Such a development would afford privacy to the neighboring parcels and semi-privacy for the cluster. She stated that there was no surface water running anywhere on the property. Therefore, they were not foreseeing any erosion issues when they began to develop their property.

Linda Skurdal stated that they loved privacy, quietness, and nature. Therefore, their intent was to continue to reforest the property, stating that they had already done some planting.

Pat Rodgers stated that there was a setback from Commercial Forest. Al Scalf stated that it was 250 feet. Mr. Rodgers wondered whether that setback would have an impact on the proposed development. He stated that if the 20-acre parcel was divided, two of the lots would have a substantial setback. He wanted the applicants to be aware of that.

Edel Sokol commented that if the proponents planned to develop a cluster in the bowl, she wondered if there would be water runoff issues. Steve Kirkpatrick responded that the neighboring Commercial Forest lands would not likely put any water runoff onto their property.

Peter Downey asked about other possible building sites on the property. He stated that if the zoning was RR 1:5, there was no assurance that the houses would be built in a cluster. Dennis Schultz wondered whether a PRRD [Planned Rural Residential Development] subdivision would provide the assurance of the cluster development and substantial open space. Steve Kirkpatrick responded that their intention was to cluster the residential development.

Al Scalf explained that there were two kinds of subdivisions. One was a standard division and the other was a PRRD. He described the ramifications of the two types of divisions. Linda Skurdal stated that their intention was to cluster, so they were probably interested in the PRRD process. The commissioners and staff discussed the implications of a PRRD. It was pointed out that the proponents should discuss the issue with staff.

Al Scalf pointed out that the neighboring lots that were 2.5 acres in size would be RR 1:5 zoning.

MLA05-06, McDiehl LLC

Kyle Alm described the proposal, which was to re-designate a parcel adjacent to the Port Ludlow Village Center from MPR Residential to be included in the Village Commercial Center.

David Goldsmith, representative for the property owner, described the location of the subject property at the intersection and the surrounding zoning. The existing commercial zone was on three sides of the subject property. There was a ravine abutting one side with a residential plat with its buffer on the fourth side.

David Goldsmith provided information about why he thought the property was originally zoned residential. He thought it had to do with the fact that the subject property was not owned by Port Ludlow Properties at the time the commercial zone was designated. He stated the opinion that the property should have been included in the commercial zone. He stated that the proponents wished to develop the property commercially. He thought the property lent itself logically to a commercial application. He explained their reasoning for that idea. Mr. Goldsmith stated that the Comp Plan talked about revisiting the original zoning at a later date. He stated that this was now the later date. He provided a handout which included a discussion about the proposal, an aerial photo of the site, and a drawing of the current zoning.

Peter Downey asked about the access for the property. David Goldsmith replied that it could go from either Osprey or Oak Bay. It would depend upon the site development and site distance issues. He stated that the current access was from Oak Bay Road. While it could be a condition of the zoning,

Mr. Goldsmith stated that the access would depend upon the future development of the site and conditions the Public Works Department would impose.

Allen Panasuk asked about the access for the commercial development across the road. Al Scalf replied that it was from Paradise Bay Road.

Pat Rodgers asked about sewer service to the property, given that it was not owned by the MPR. David Goldsmith replied that the utility had to serve the properties inside the MPR. Sewer was available in the road. He stated that Port Ludlow Utilities had indicated that they had capability they were willing to transfer to the subject property. Mr. Rodgers asked about water service. Mr. Goldsmith replied that it was served by a well, but they could get water service from Port Ludlow Utilities as well.

It was clarified that the property was inside the MPR boundary but was not owned by Port Ludlow Properties.

Phil Flynn asked about the buffers. David Goldsmith described the two buffers on neighboring property. One was the ravine and the other was on the residential property abutting the subject property.

Pat Rodgers stated that the MPR had standards about building design, etc. He asked if this rezone occurred whether the MPR CC&Rs would apply. David Goldsmith responded that he thought, technically, that could occur. However, the owners had offered to become subject to the MPR CC&Rs or they would create CC&Rs for this parcel that mirrored the MPR CC&Rs as mitigation.

Josh Peters explained the difference between the CC&Rs that applied to the plats within the MPR and the MPR code. He stated that the MPR code would apply to the commercial zone.

Phil Flynn asked if it was in the Planning Commission's purview to condition the approval in such a way. Josh Peters responded that, historically, it had been rare that specific design guidelines had become part of a legislative action in this county, outside of the normal bulk and dimensional requirements. He stated that other jurisdictions had sometimes added such conditions, however.

MLA05-38, Hopkins/Barber Family Associates

Kevin Russell described the location of the subject property. It was a 90-acre parcel on the Toandos Peninsula. The request was to change the zoning from Commercial Forest (CF 1:80) to RR 1:20.

Jim Lindsay, representing the applicants, stated that the property owners owned three neighboring parcels, of which this parcel was one. The subject parcel was ninety acres. There were two parcels to the north that adjoined this parcel. One was five acres and the other was ten acres. They were zoned RR 1:5. He stated that the subject property was zoned CF 1:80 and was waterfront property. The property to the south was zoned RR 1:20. The property to the west was zoned CF 1:80.

Jim Lindsay stated that the owners had three different legal lots in two different zones. He stated that he would refer to the site as a 105-acre site (combining all three parcels), rather than as a 90-acre site. He stated that there were really only four good building pads on the entire 105 acres. He stated that their actual proposal was to change the CF 1:80 zoning [the 90

acres] to RR 1:20 and merge the 5-acre and 10-acre parcels that were zoned RR 1:5 and then subdivide the entire property into four lots.

Jim Lindsay described the criteria developed in 1998 for Commercial Forest, which included soil types based upon the U. S. Soil Conservation Service soils analysis for the county. There were four soil type categories that applied to commercial forest lands in Eastern Jefferson County. He stated that the commercial forest map that was made at the time was a rather large scale macro map. Mr. Lindsay referred to several of the maps in the application. He stated that there were only two parcels zoned CF 1:80 on the southern part of the Toandos Peninsula that were on the water. He stated that the Comp Plan acknowledged that those parcels would see increased pressure for development and, in his opinion, should not be zoned for commercial forestry. He stated that Map 2 depicted the abundance of subdivisions to the north. He stated that Map 6 depicted the soil types on the site. He stated that there had been a mischaracterization of the long term commercial significance of the soil types on the property. He stated that it was a mistake that probably should have been corrected in 1998. He stated that the company that owned the property in 1998 actually started the process to correct the designation, but they "dropped the ball" and it was never completed. He summarized that there were only about 15 acres of appropriate soils for timber production on the entire 90 acres. He stated that there was other acreage on the property that was steep slope or had an intermittent stream or a coastline where logging would not be allowed. Mr. Lindsay referred to Table 2 in the application packet. He stated that there were essentially six soil types on the site. The table described the soil types that were suitable for forest production (Types 2 and 3), with the lower soil types being described as "very low productivity" or "very low, low productivity" for commercial forestry. He stated that 68% of the site was in the very low to very low, low productivity categories of soils which would not qualify them for commercial forestry. Another 14 acres was subject to environmental constraints and could not be logged.

It was pointed out that the maps in the commissioner's packets were black and white instead of color, which made it more difficult for the commissioners to see differences in zoning, soil types, etc.

Jim Lindsay summarized that their proposal boiled down to changing the 90-acre parcel from CF 1:80 to RR 1:20 and combine that with the 5 and 10-acre parcels and re-subdivide it into four parcels.

Dennis Schultz stated that the application only addressed the 90-acre parcel. The maps did not show the other two smaller parcels. He stated that it appeared the application was really about three parcels rather than one. Jim Lindsay responded that technically the application was to rezone the 90-acre parcel. He thought the application format was part of the cause of the confusion, adding that the Comp Plan amendment application was not a development application. He stated that the large maps included the smaller parcels. He stated that the smaller parcels were really not part of the application. He stated that, eventually, they intended to aggregate all of the lots together and re-subdivide them, if this application was approved.

Bud Schindler referred to Table 2 in the application and asked for clarification about the percentages in the soil type categories. Jim Lindsay stated that the table may be confusing. He clarified that the categories of SnC, InD, and DaD were aggregated and equaled 62% (56 acres).

Jim Hagen asked if they were proposing four long, "finger" lots so that each parcel would have waterfront. Jim Lindsay replied that they would not subdivide in that way. He stated that the property was extremely high bank. He stated that they would essentially be view lots.

Jim Hagen commented that the application was in direct conflict with one of the policies of the Natural Resource Element which prohibited the subdivision of designated forest land for residential purposes. Jim Lindsay replied that he agreed, but added that there were other policies to consider. He noted that this parcel was one of only two on that part of the peninsula that was zoned commercial forest. He stated that there was a good reason for that. Mr. Lindsay stated that the underlying issue was that this property was simply not good commercial forest land. He emphasized that there were only about four decent building pads on the entire 105 acres.

Jim Hagen asked about access. Jim Lindsay replied that there was an existing road off of Coyle Road that could be used for access and utilities.

Dennis Schultz asked if there were any buildable sites on the smaller lots to the north. Jim Lindsay replied that there were no good, natural building sites, although someone could create building sites if they spent enough money.

Jim Hagen commented that Mr. Lindsay's contention was that the soils were not good for commercial forestry. He asked about the soils in relation to septic. Jim Lindsay replied that they were very good (gravelly).

Dennis Schultz asked if they had considered a PRRD. Jim Lindsay responded that, again, there were only about four good building sites on the entire property. The ultimate proposal would provide an average density of 1:26 acres. The objective of a PRRD was to cluster which he did not think would work on the site due to the topography.

It was agreed that color maps should be provided to the commissioners. Also, additional maps showing the adjoining parcels that would be combined with the 90-acre parcel. Al Scalf stated that staff could run color copies of the maps.

MLA05-39, Nelson/Monroe

Kevin Russell stated that the proposal was to change the zoning from RR 1:20 to RR 1:5. The subject property was located in the Dabob area.

Claudia Monroe, representing the proponents, stated that the subject property was a little more than fifteen acres, currently zoned RR 1:20. She stated that their reason for the request was so that they could divide the parcel into two equal parcels so that she and her husband could purchase one parcel from her mother. She stated that the subject property was located on a Centennial Farm, which meant that the property had been in the family for more than 100 years. The subject property was the original homestead, which had started at about 150 acres. About 75 acres was still owned by family members.

Claudia Monroe described the characteristics of the property, including access and utilities. She described the surrounding properties. Within one mile of the subject property, there were other RR 1:5 properties, with some

being smaller than five acres. There were also some commercial forest properties.

Claudia Monroe stated that the main reason they wanted to do the rezone was so they could buy a parcel for their own home, which was where she grew up. They wanted to live on the family homestead. She described the Centennial Farm program, stating that there were only three farms in the county in the category.

Dennis Schultz asked if there was a home on the subject property now. Claudia Monroe replied that there was a 1700 square foot mobile home on the property now. It was noted that an ADU would not work in this case then.

Edel Sokol asked for a better quality map.

MLA05-53, Widell

Kyle Alm described the proposal, which was to change the zoning of the subject property near Glen Cove from RR 1:5 to Rural Commercial. The subject property was currently served by a commercial access from Highway 20.

Kevin Widell stated that he owned the A+ Equipment Rental business near the city limits. Since purchasing the business, it had expanded from two employees to the current eight, including living wage jobs with benefits. He stated that they would like to expand their business further but could not at their current location. The subject property included the old Lundgren Distributing site. He described the property, its access, and electric service capability. He stated that water would be provided by a well. He stated that they were currently doing a wet season evaluation of the soil conditions for a septic. He described their plans for the property.

Peter Downey asked for clarification about the highway access. Kevin Widell replied that it was a permitted commercial access from 1982 from the state built for the Lundgren Distributing business. Mr. Widell stated that the access was still relevant; it had never stopped being used. The access was shared with Pacific Environmental, which had a binding site plan for their building. The parcel on the other side had a building permit for a storage facility, but the owner had never proceeded with that development.

MLA05-59, Olympic Property Group [OPG]

Josh Peters described the application, which was to rezone a 40-acre parcel from RR 1:10 to RR 1:5. The subject property was in the Shine area abutting Highway 104.

Jon Rose, OPG, stated that OPG was the real estate subsidiary of Pope Resources. He stated that their three applications were their first in the county. He stated that there were inconsistencies with the Comp Plan policies and that was their reasoning for making application. He stated that all three of their applications were close to public services (transportation corridors, etc.). They thought it made sense to put the density close to services rather than out in the hinterlands. They thought it made sense in the current real estate market to add density in a place that already had services.

Jon Rose stated that they had developed a well on the property, which subsequently became part of the PUD's Bywater Bay system. They retained some

water taps, which they had never used because the property had been downzoned. He stated that the subject property was within the Bywater Bay water system service area.

Jon Rose referred to Exhibit B, which depicted the designation criteria. One criterion was "areas with smaller existing lots of record". He described the development pattern of the surrounding properties. There were 43 lots that were one to two acres, 108 lots that were two to five acres, and 33 lots that were five to ten acres. There were only six parcels that were greater than ten acres. He contented that having a large lot among those smaller parcels was inconsistent with the development pattern.

Allen Panasuk asked about the access. Jon Rose replied that there was a road off of Teal Lake Road that could be improved. The road came across DNR land and they had an easement on it.

Jon Rose described the amount of people who commuted across the Hood Canal Bridge to Kitsap County and beyond. He stated that people came to Jefferson County because they liked the lifestyle, although there was no place to work. He thought they would keep coming here and they would want a place close to the bridge. He thought it made sense to put some of the impact close to the bridge for the commuters.

Edel Sokol commented that the Planning Commission had noted during the 2004 Comp Plan update that there was a shortage of 5-acre parcels in the county compared to the demand. Jon Rose stated that it was the lot size that was most affordable to people in the county.

Al Scalf asked if they had done an analysis on the effects of potential buildout to the wellhead protection zone. Jon Rose replied that they had not, but 5-acre lots probably would not have much impact. He stated that there was a person in the Shine area who had been active in water issues for many years, opposing projects based on wellhead protection. He reported that her comments were that she would not be concerned about 5-acre lots because they allowed enough recharge. Mr. Rose stated that as they went farther along with the proposal, they may need to contact the PUD to see if there were studies they should do, noting that the PUD was now the owner of the well. Mr. Scalf asked if the PUD had done an assessment in terms of standard cookie cutter development with five and ten year draw down. Mr. Rose replied that he did not know. He stated that they did not want to go to the effort of plat studies, etc. until they saw if they made progress with this process. He stated that this proposal would only create seven lots. He stated that they would do the studies as progress was made, stating that there was nothing unusual about that well.

MLA05-61, Olympic Property Group [OPG]

Jon Rose suggested the commission take this proposal out of order because it was adjacent to the previous proposal. Mr. Rose stated that there were three parcels totaling 158 acres currently zoned commercial forest (CF 1:80). They were proposing up-zoning the south half of the property to RR 1:5 and the north half to RR 1:10 to provide a transition from the adjoining commercial forest. He stated the belief that their argument could apply to other commercial forest land in the area, but it was owned by other property owners.

Jon Rose stated that they believed the proposal met the designation criteria for zoning in Table 3-2 of the Comp Plan (Exhibit B of the application). He stated that the zoning to the south was RR 1:5 and this proposal would provide a transition area abutting the commercial forest, as acknowledged in the Comp Plan. He described the services that were close by.

Jon Rose stated that the subject property was wholly within the Bywater Bay PUD water system. He noted that one criterion for a commercial forest designation was that a majority of the parcel be outside of any water service area. Mr. Rose stated that they had retained taps for that water system and would like to use at least a portion of them. He stated that the CF zoning designation was fatally flawed because the subject parcel was wholly within a water service area. Also, there should be some sort of transition from the most dense to the least dense rural zone. He thought this was an area where that kind of transition could be provided.

Peter Downey asked about the ownership of the adjoining commercial forest zoning. Jon Rose replied that they owned some of it and the DNR owned some. He stated that they probably could have made the same argument for some parcels further to the north, but these applications were the ones they thought were the most easily explained or justified under the Comp Plan policies.

Dennis Schultz asked about transportation capabilities given the additional development. Jon Rose thought it was adequate, considering that there were probably 200 lots in the area. He thought the proposed additional lots would probably trigger a traffic impact study when they went for their development permits.

MLA05-60, Olympic Property Group [OPG]

Jon Rose stated that the proposal was to rezone about 250 acres in seven parcels from RR 1:20 to RR 1:5. The subject property was located near the Port Ludlow MPR and the Paradise Bay community on Tala Point. It involved all of the remaining property Pope Resources owned in that area.

Jon Rose reviewed the designation criteria. It was near a coastal area, there were smaller existing lots of record, and it was near the MPR. He stated that the MPR was the location for services in that part of the county. He stated that it was inconsistent to go right from RR 1:5 to RR 1:20 without a transition between the two. He thought there should be at least a RR 1:10 transition area. He thought that Paradise Bay Road would be a logical boundary to cut off the 5-acre density. He stated that there was currently a road and utilities already built serving the subdivision.

Allen Panasuk asked about water service. Jon Rose stated the belief that they would need to apply for a water right to do a well on property they owned in the area. They may also see if the MPR could provide water service.

Peter Downey asked about the ownership of the property inside the "U" shape. Jon Rose replied that the DNR owned the property. As a side comment, he thought it made sense to rezone that land to RR 1:5 as well using Paradise Bay Road as a boundary. Mr. Rose thought they could play off the Port Ludlow amenities in marketing their property. Also, it made sense to put additional development close to existing services.

Jon Rose described the number of neighboring lots that were smaller than one acre (151), one to two acres (22), two to five acres (17), and five to ten (5), and only two lots that were over ten acres. He noted that small lots were the consistent pattern in the area.

Peter Downey asked about the amount of open space adjoining the MPR. Jon Rose guessed it was about 80 acres.

David Sullivan asked about the water service for Tala Shores Drive. Jon Rose replied that they had a well to serve the area.

Jon Rose spoke about the tax advantage to the county of up-zoning in the subject area, stating that residential development in the subject area would likely be consistent with the type of development found in Port Ludlow. He stated the opinion that, if you were going to add some density, it was alright to have that density working for the county. He stated that for every residence that was a higher value, it lowered the tax burden in other parts of the county. He thought it was alright to think about those things.

Allen Panasuk asked about the water (quantity) issue in the area, particularly relating to the MPR wells. Jon Rose replied that when they owned the MPR, they never experienced a concern about the aquifer. The wells were sustainable. He stated that his feeling was that there was plenty of land for recharge. He stated the opinion that, in the Tala Point area, it was probably not a good idea to be drilling individual wells because, being on a peninsula, it would be more vulnerable. However, with 20-acre zoning, it would not be cost effective to provide water service, so individual wells would be necessary.

MLA05-70, Pepper

Kevin Russell stated that the application was for a 10.6 acre parcel located at Four Corners. The application was for a rezone from RR 1:10 to Rural Commercial (Neighborhood Crossroad).

Pat Rodgers stated that the BOCC had a conflict because they were the majority on the Transit Board, which was presently considering the Pepper property, among others, as a potential site for the transit hub. He thought the action of that board would be quasi-judicial. Mr. Rodgers asked staff to research how the BOCC could deal with this proposal in their legislative capacity while sitting on the Transit Board. The BOCC members excused themselves from the room during the presentation on the Pepper application.

Pam Pepper explained that she had done a boundary line adjustment in order to sell a small adjoining parcel. The BLA made the subject property more regular in configuration. Ms. Pepper provided a packet of handouts to the commissioners with materials supporting her application. She described the other commercial development in the vicinity. She stated that this was the third time her property had been before the county for consideration for a rezone.

Pam Pepper stated that she had purchased the property with her late husband thirteen years ago. Shortly after their purchase, it was downzoned to rural residential from commercial. She stated that her property was being considered by the Transit Authority for a new transit system hub. She stated that they just wanted consistent zoning with the other commercial development in the area. She stated that the Port had purchased neighboring property and

added it to the airport property. She stated that her property was not suitable residential property. She thought it amounted to a spot zone of rural residential within a commercial zone.

There were no questions from the commissioners.

Allen Panasuk invited public comments.

Tim Pinckney, Tacoma, stated that he was with Environmental Maintenance Technology and Ms. Pepper was a partner in the firm. They purchased real estate in the inner city for mixed use. He stated that Ms. Pepper had lived in the county for over twenty-five years. He stated that this particular property had been kind of like a curse. For some reason she could not seem to get this property in line with the rest of the uses in the area. While he knew this body would not make a decision at this time, Jefferson Transit was interested in the property. Mr. Pinckney stated that Ms. Pepper would like to one day be able to give the property to Jefferson Transit for their use or to some other group who could use it commercially. He stated that folks were starting to retire in the county. He did not think families would actually come here and build homes. He stated that Ms. Pepper wanted to be able to start anew nearer to her daughters who lived in Seattle. He stated that Ms. Pepper would like to end her relationship with the county. Hopefully, if this land use change was allowed, she would be able to do that.

There being no further public comments, the Chair closed the comment period.

Edel Sokol asked about a citizen's representation in the county, stating that it appeared the BOCC could not represent this citizen. Al Scalf responded that, because the BOCC sat in a quasi-judicial role on the Transit Board, they could not be prejudiced by any discussion at this point in time. He stated that the question of whether they could do any review of the Comp Plan amendment was one that had yet to be answered. He noted that the BOCC also sat in a legislative role on the amendment application. He stated that the BOCC may not be able to review the Pepper application until the legal question was resolved.

C. PLANNING COMMISSION RECOMMENDATION ON 2005 FINAL DOCKET

Al Scalf reviewed the docket process to date. The Planning Commission recommendation on the Final Docket (for MLA05-66 and MLA05-67), dated March 30, had gone to the BOCC for consideration on April 4. The Planning Commission had recommended not docketing either suggested amendment. Staff recommended not docketing MLA05-67 but to docket MLA05-66 for housekeeping issues only. Upon discussion with the BOCC, the BOCC identified that perhaps the Planning Commission would reconsider some of the components of MLA05-66, based upon the staff discussion in the March 30 memo. Staff had told the BOCC they would bring it up to the Planning Commission. There were some specific points, minor issues, that staff suggested could be addressed through MLA05-66 and the amendment could be limited to only such minor issues. He offered the suggestion that the Planning Commission reconsider their motion to deny docketing. Also, since the BOCC was present, they could also speak to the issue.

Josh Peters referred to the March 30 memo on the Planning Commission and staff recommendation for the two suggested amendments. The Planning Commission had recommended not docketing either amendment. Staff recommended docketing MLA05-66, but only for the purpose of identified housekeeping

issues and not for the purpose of amending policy or narrative description. He stated that staff had provided a few examples of housekeeping issues that were raised at the March 10 joint workshop with the BOCC. They included some mapping anomalies and text and table corrections. Some of those corrections should require a public process, while some (i.e., spelling or formatting corrections) could merely be done by staff in the normal editing process. He displayed a working copy of the Comp Plan with paper tabs on pages that required corrections of some type. He reported that when the staff was before the BOCC regarding the recommendation on April 4, Commissioner Rodgers had suggested that it be discussed one more time with the Planning Commission to see if the commission was willing to revisit its recommendation. He stated that the BOCC would set the Final Docket. They would hold a public hearing if they elected to do something different from the Planning Commission's recommendation. He suggested that the Planning Commission may want to reconsider their recommendation for MLA05-66.

David Sullivan asked about the ramifications if the suggested amendment was not docketed. Josh Peters responded that, if the items did not get docketed this year, staff did not anticipate there being a major issue. That being said, there were a few awkward situations staff would like to correct with regard to the mapping. Also, staff would like to correct the population table and to change the language about the industrial land banks slightly. He admitted that there was nothing of an emergency nature.

Jim Hagen asked if the staff suggestions could really be considered as part of MLA05-66 as it was submitted on February 1. Josh Peters responded that as submitted, the application included both housekeeping issues and policy review topics. He stated that staff had maintained the whole time that they wanted to do housekeeping issues. Mr. Hagen stated that his concern was whether there would be legal repercussions. He stated that there had been questions about whether MLA05-66 was a legal application. He thought that, of equal concern, was whether there would be legal repercussions if we did not go forward.

Pat Rodgers stated that his concern was whether there would be a hardship for any citizens in the county. Staff had raised a couple of cases where there may be a hardship. One was related to agriculture zoning. Josh Peters stated that there was a clear case where a small sliver of land in the UGA was inadvertently designated as ag lands. There were some parcels that did not have any zoning at all. Those corrections were examples of issues that required a legislative decision and thus a public process. Another substantive change related to the population figures on one table in the Comp Plan. Those were issues that staff did not feel comfortable just changing.

Dennis Schultz asked whether we could publish the Comp Plan as adopted, including the incorrect materials, and then include an errata page listing the corrections that were required. Then the BOCC could adopt those corrections later this year. Josh Peters stated that we could only do that if there was a placeholder amendment on the docket in order to go through a public review process.

Josh Peters referred to Mr. Hagen's comment about the legality of the application. He stated that the county code clearly said that the BOCC or County Administrator could direct staff to put things on the docket. He did not see any legal problem there. He stated that, clearly, anything that was proposed would go through a full public process. Jim Hagen stated that whether or not he thought it was illegal was irrelevant. He stated that his

question was whether someone in the community would take that view. Mr. Hagen stated that his interpretation was that mapping errors could be corrected outside of the regular amendment cycle. He wondered whether we could use that process to correct the zoning issue. Al Scalf responded that there was Hearing Board case law concerning that issue. Therefore, staff would not recommend using that policy.

Josh Peters referred to the case of the agriculture piece within the UGA. While it could be an error regarding how that happened, there were two different ordinances that conflicted, and who was to say that one was correct in this case and the other was not. He thought a full public process was the method to make that decision. In the case of the parcels that had no zoning at all, it was certainly an error that they were not given a designation. However, staff was not comfortable assigning a zoning designation for those parcels.

Pat Rodgers stated that the BOCC was about to proceed on a decision and he wanted the Planning Commission's input. Jim Hagen stated that, while he was initially caught off guard, he was glad to be having this discussion. He understood how the staff resources and money were stressed. As he was preparing for the site specific amendments, he noticed that he did not have an updated Comp Plan. While he was not faulting anyone, it illustrated to him how important it was to prioritize things. He wondered whether staff would have time to put a suggested amendment together. He referred to the UDC Committee's work and the fact that a meeting had to be cancelled because staff was busy with other things. He had been at the land bank planning conference and thought it was something that could really help the county. He stated that the commissioners had heard about all of the people who went to Kitsap and beyond for work. There was some opinion that we should get used to being a retirement or bedroom community. He stated that he would not get used to that. He heard about all the manpower and expense related to planning for a land bank. It made him wonder if that could ever be done when so much attention was devoted to reviewing what we had already done. He stated that he did not want to spend his time looking back; he wanted to go forward. He stated that he understood the need for housekeeping, but it should be limited to just those issues.

Dennis Schultz offered the opinion that the issues staff was proposing as housekeeping would not take a lot of resource time by either staff or the Planning Commission.

Dennis Schultz moved that the Planning Commission re-open MLA05-66 and ask staff to limit it to housekeeping issues identified by staff. The motion died for lack of a second.

Jim Hagen stated that the amendment would no longer be a placeholder because it's limitations were more defined. Edel Sokol stated that the county code said that applications must be submitted by February 1. That application [MLA05-66] had been rejected by the commission. However, now we were talking about another placeholder amendment. John Fischbach stated that his memory of that meeting was that MLA05-67 would be off the table, but MLA05-66 would be used to correct the table, fix the mapping issues, etc. He thought in terms of process and timing, we were still consistent with the motion.

Al Scalf suggested that the process would be that the Planning Commission take a motion to reconsider its motion of March 16 on its recommendation for MLA05-66. Then the Planning Commission would take a second motion providing

direction to staff about the content of the amendment application. The commissioners and staff discussed the procedure. It was pointed out that if the Planning Commission did not reconsider its recommendation, the BOCC would need to hold a public hearing if they wanted to differ from that recommendation. Then they could decide to forward MLA05-66 to the Final Docket, if they so chose. Josh Peters reminded the commissioners that the decision before the body was only whether to docket or not. If the Planning Commission revised its recommendation on the application, limiting the scope to the items discussed in the March 30 memo, the BOCC could adopt the docket without having a public hearing. Then the merits of the application would be considered during the public process on the amendment. Mr. Scalf stated that the BOCC must take action on the docket by April 11.

Phil Flynn moved that the Planning Commission reconsider its recommendation for MLA05-66. Dennis Schultz seconded the motion which carried with six in favor, one opposed, and one abstention (6-1-1).

Dennis Schultz moved that the Planning Commission direct staff to resubmit the application, specifically specifying those things the county must consider (maps, tables, etc.) for correction. The motion died for lack of a second.

Jim Hagen questioned whether we could legally resubmit an application in April, a new placeholder. Josh Peters clarified that if the motion was to recommend that the item be docketed, but only for the items described by staff in the March 30 memo, then there would be no problem with the process. If the Planning Commission made that recommendation, the BOCC would not have to hold a public hearing. Then later in the year, staff would come forward with a full proposal, with a staff report and SEPA analysis, for a full public process.

Dennis Schultz moved that the Planning Commission recommend docketing MLA05-66 only for those things identified by staff in the March 30 memo to the BOCC. Phil Flynn seconded the motion.

Pat Rodgers stated that he asked for this to be done, not because he wanted to avoid a BOCC public hearing, but because he wanted to have the discussion and get the Planning Commission's input and to reach an understanding about what would be addressed.

Jim Hagen stated that he would vote against the motion because he felt rushed and did not want to make a split second decision. It was not that he was against doing this; he just could not make a decision in such a short time. Josh Peters stated that he would take responsibility for the Planning Commission not receiving communication about the topic being brought forward at this meeting. Edel Sokol stated that she agreed with Mr. Hagen and thought there was something in the Planning Enabling Act that addressed the issue. Mr. Hagen stated that he was not finding fault; he just could not make a decision in this short a time. Pat Rodgers stated that, if the Planning Commission felt it could not give the BOCC its input, then the BOCC would just have to do without it. Dennis Schultz stated that the reason he wanted to do this was because it would just be technical corrections; there would be no policy issues addressed.

The motion carried with five in favor, two opposed, and one abstention (5-2-1).

D. ADJOURNMENT

Dennis Schultz stated that there had been discussion about holding a UGA sewer workshop. He asked about the status of that. John Fischbach replied that within a few weeks the county would have a consultant on board to advise the county on preparing an RFP. At that time would be a perfect time for a Planning Commission/BOCC/staff workshop. He thought it would be scheduled within a few weeks.

Allen Panasuk thanked the BOCC members for attending.

The meeting was adjourned at 9:15 p.m.

E. APPROVAL OF MINUTES

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

Allen Panasuk, Chair

Cheryl Halvorson, Secretary