

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR AUGUST 17, 2005

- A. OPENING BUSINESS
- B. PUBLIC HEARING - 2005 COMPREHENSIVE PLAN AMENDMENT FINAL DOCKET
- C. DISCUSSION OF COUNTY ECONOMY AND ECONOMIC DEVELOPMENT COUNCIL STRATEGIC PLAN
- D. ADJOURNMENT

A. OPENING BUSINESS

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

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

There were about twenty-two members of the public present. Those who signed the guest list were Steve Kirkpatrick, Linda Skurdal, Elizabeth Nelson, Claudia Monroe, Eric Monroe, Larry Nobles, Bryan Diehl, Tom Goeltz, Sue Schroader, Jim Lindsay, Thomas C. McNerney, Kevin Widell, Nancy Dorgan, Dave Turissini, Janet Huck, Mark Jochems, and Pam Pepper.

The minutes for August 3, 2005, were approved as submitted.

The Chair invited staff updates. Josh Peters reported that Tamer Kirac, EDC Director, had been called out of town suddenly and that Mark Jochems, EDC President, would be present to discuss the EDC's Strategic Plan and other EDC topics.

B. PUBLIC HEARING - 2005 COMPREHENSIVE PLAN AMENDMENT FINAL DOCKET

Jim Hagen opened the public hearing by reading the hearing procedure for site specific Comp Plan amendments. He then asked the Planning Commissioners a series of questions concerning conflict of interest and exparte communications.

Concerning contact with a proponent or opponent of an amendment, Peter Downey disclosed that he had a brief discussion with David Goldsmith about the McDiehl petition (MLA05-06). That discussion only addressed general issues related to the MPR. Bud Schindler disclosed that he had been asked a series of questions about the Kirkpatrick petition (MLA05-51). Those questions related to the process. Both Mr. Downey and Mr. Schindler indicated that their decisions would not be influenced by those discussions.

The Chair invited a staff introduction. Josh Peters explained the process for Comp Plan amendments, noting that the Staff Report and SEPA Review had been published on August 3. Also, staff issued a memo on August 11 containing supplemental information for three of the amendments: MLA05-38 (Hopkins/Barber), MLA05-53 (Widell), and MLA05-61 (Olympic Property Group). He noted that there were a couple of extra copies of that memo and one copy of the DCD "counter copy" notebook for people to peruse during the meeting.

Josh Peters explained that written comments to the Planning Commission would be open until August 24. After that date, written comments would be forwarded to the BOCC. After August 24, the Planning Commission would begin deliberations and make recommendations to the BOCC. He stated that the Planning Commission would hold a special meeting on August 31. The focus of that special meeting would be on watershed planning, although the commission may begin discussions on the Comp Plan amendments at that meeting also, time permitting. He explained the review and decision process of the BOCC after they received the recommendations of the Planning Commission.

Josh Peters explained that the hearings on the Comp Plan amendments would be taken in the order they appeared in the Staff/SEPA Report, grouped by types of amendments, rather than in numerical order.

The Chair opened the public hearing to public testimony on the individual amendments, preceded by a brief staff presentation and recommendation.

MLA05-39, Nelson/Monroe:

Kyle Alm provided a short synopsis of the proposal, which was to rezone approximately sixteen acres in the Dabob Valley from RR 1:20 to RR 1:5 in order to allow two additional building sites. He reported that the staff recommendation was for denial of the petition based upon the Comp Plan criteria of a pattern of similar sized parcels. Staff believed the subject parcel was part of a pattern of larger parcels.

Kyle Alm pointed out a large map of the Eastern County upon which the location of each of the proposed amendments was marked.

The Chair opened the hearing to public testimony.

Claudia Monroe, Dabob Road, referred to the map of the parcel on Page 5-5 of the Staff Report. She referred to Page 5-16 of the report, stating that there was some confusion about what constituted an established pattern of the same or similar sized parcels. There was not a clear definition of what constituted an established pattern. The rule of thumb appeared to be if more than 50% of a parcel adjoined larger parcels, then that would mean the subject parcel would have similar zoning. Concerning their particular parcel, about 53% was bordered by larger parcels. She did not think that really showed a wide majority of larger parcels. She stated that the other 47% was bordered by small parcels of less than five acres in size which were zoned RR 1:20. She stated that the larger parcels were zoned Commercial Forest or Agriculture. She referred to Page 2-12 of the report where it stated that there was a pattern of smaller lots, with nine lots to the North that were smaller than five acres. Those lots constituted roughly 21 acres total. She stated that five of those lots abutted their parcel. She stated that there was one larger parcel that abutted their parcel, but it was zoned Commercial Forest and was owned by Pope Resources. She thought their parcel was actually a part of the smaller parcels. The zoning was the same. The housing was the same. There was access off of Dabob Road. She stated that staff had told her that if the parcel was zoned RR 1:5 it would be possible to do two additional house sites. She stated that was not what they were proposing. She stated they would actually like to divide the parcel into two parcels of roughly 8 acres each. She stated that it was a Centennial Farm and had been in the family for around 125 years. She stated that she would like to build her house on the family homestead. She stated that two 8-acre parcels would still be larger than most of the parcels in the area, stating that there were fifteen smaller parcels in the vicinity. She thought the points to consider were whether the nearby lots could subdivide. She stated that they were zoned RR 1:20 and, since they were already smaller, they could not be divided even if the area was zoned RR 1:5. She stated that the only parcels that were big enough had a different designation, such as Rural Forest or Ag. The fact that it was a Centennial Farm and was for family use, not development, was a consideration. It was already Rural Residential.

No other testimony was offered.

MLA05-51, Kirkpatrick/Skurdal:

Kyle Alm described the location of the subject parcel on the Toandos Peninsula, stating that the request was for a rezone from RR 1:20 to RR 1:5. He stated that there were smaller parcels zoned RR 1:5 along the shoreline side of the subject parcel. There were also other RR 1:20 and Commercial Forest parcels on the rest of the perimeter. He stated that the staff recommendation was for denial of the petition. Again, the reasons related to what constituted the established pattern and the adjacency of the resource land. He stated that staff had offered an alternative recommendation of a rezone to RR 1:10 which would provide the necessary space for the commercial forest practices.

The Chair opened the floor to public testimony.

The petitioners provided written testimony for the record. Linda Skurdal read the first page into the record, stating that the other pages were supporting documentation. She stated that they would accept the staff alternative recommendation to rezone the parcel to RR 1:10. However, she provided information that 50% of the parcels on their perimeter were zoned RR 1:5, an established pattern. She stated that the parcels averaged less than five acres each. She stated that they believed that using either the average parcel size or the RR 1:5 zoning demonstrated a pattern of RR 1:5 on 50% or more of their parcel's perimeter. Regarding the 250-foot buffer zone for Commercial Forest, she stated that they believed their property could easily provide the needed buffer.

There was no other testimony offered on the amendment.

MLA05-59, Olympic Property Group (OPG):

Kyle Alm provided a brief description of the location of the subject parcel in the Shine area. He stated that the staff recommendation was for approval of the rezone. He stated that the parcel was bounded on three sides by a pattern of RR 1:5 parcels.

The Chair opened the floor to public testimony.

Sue Schroader, OPG, stated that they agreed with staff's recommendation. She stated that she was present to answer any questions the Planning Commission may have.

There were no questions of the applicant. No other testimony was offered.

MLA05-60, Olympic Property Group (OPG):

Kyle Alm provided a brief description of the location of the subject property in the Tala Point area, east of the Port Ludlow MPR. The subject property was comprised of seven lots but had a single parcel number and consisted of approximately 250 acres. The proposal was to rezone the property from RR 1:20 to RR 1:5. He stated that staff's recommendation was for denial of the rezone. The reasoning related to the topography and the fact that six of the seven lots were bounded on 50% or more of their perimeters by large lots designated RR 1:20.

The Chair opened the hearing to public testimony.

Tom Goeltz, attorney for OPG, handed out colored maps of the subject area with a page from the Comp Plan policies on Rural Residential designation criteria attached. Mr. Goeltz stated that they disagreed with the staff recommendation. They thought it was appropriate to rezone the land from RR 1:20 to RR 1:5. He stated that the difference in number of units between the two zones was 37 units. He stated that staff was concerned about the sort of "slippery slope" that, if we did this rezone, more property owners may want 5-acre zoning. He thought they had a unique answer to that issue because of property they owned to the south. He referred to two display maps on easels. One map was an enlarged version of the handout map. He pointed out some state property in the center with their property around that. Then, ringing that was the current 5-acre zoning. They proposed a planning area (marked in green) that they thought was a logical area to examine concerning the pattern. He supplied information on the number of lots, their sizes, and their zoning. They thought the 5-acre zoning made sense given that the property was bounded on three sides by smaller parcels and by water. He stated that OPG owned the property to the south. He suggested a development agreement or covenant with the county to put that property into 20-acre zoning for a period of time. He stated that they agreed with staff on a number of things in their analysis. He read certain sections from page 2-19 of the Staff Report with which they agreed. Where they disagreed was in the interpretation of the Comp Plan policy on Rural Residential designation criteria (LNP 3.3.1) [the second page of the handout]. He stated that they believed they met two of the four criteria, although he asserted that they only had to meet one. The first was that there was an established pattern of the same or similar sized parcels, or smaller. He stated that there was an established pattern around their property of smaller parcels (in the RR 1:5 zone). Second, they met the criterion concerning parcels of similar size or pre-existing smaller parcels along coastal areas. He stated that they read the criteria as the Planning Commission deciding whether there was a pattern in the area of 5-acre or smaller and whether their land fit the criteria. He stated that where they differed with staff was that staff had introduced a 50% perimeter concept. He stated that was not in the policy. He did not think the BOCC meant to adopt a "bright line" with the policy. He questioned whether they meant that 49.5% perimeter would automatically be denied but that 50.2% would automatically be approved. He did not believe that. He thought the BOCC's intent was to look at the pattern, use judgment, see what the geography said, and then decide what to designate it. He did not think you could interpret the policy to come up with an absolute 50% perimeter policy. He stated that he also did not understand why staff would look at each of the seven lots individually because they had applied for all of the lots as a group. Therefore, he was looking at the surrounding area outside their ownership. He was not treating the seven parcels separately; that did not make sense. He stated that a quick look would show that the surrounding parcels were easily over 50% if you considered their land in total rather than the individual tax parcels. The only larger parcels were the state-owned land and their land farther to the south. Regarding the "slippery slope" issue, he offered that OPG could enter into an agreement with the county for an appropriate period of time for their land to the South in order to prevent continued rezoning. He referred to staff's comments in the Staff Report about the steep slopes. He stated that the property was large enough to move the lots around so that you would not have to build on the steep slopes. He stated that another staff issue related to the proximity to the Port Ludlow MPR. He stated that they believed that was a plus because the MPR had services to support the additional density.

Mike Whittaker asked if the impacts of additional water withdrawal had been addressed. Tom Goeltz replied that he relied on the Staff Report, which said there would be no adverse impacts.

There was no other testimony offered.

MLA05-38, Hopkins/Barber:

Kyle Alm described the location of the property on the Toandos Peninsula. The application was to rezone the parcel from Commercial Forest to Rural Residential (RR 1:20). He stated that the applicant also proposed to combine the subject parcel with two other parcels that were zoned RR 1:5 to create more appropriate building sites. He stated that the application primarily dealt with the soil types and whether the parcel should have been designated as Commercial Forest based upon those criteria. He stated that the DNR map, adopted in the Comp Plan, said that Soil Grades 1 through 4 were to be included in Commercial Forest provided they met the other criteria (enrolled in the timber tax program, large parcel of land, etc.). Mr. Alm referenced additional information staff had provided to the Planning Commission about the soils on the site.

Bud Schindler asked about the parcel numbers on Page 1-9 of the Staff Report, stating that it appeared to be incorrect. Kyle Alm agreed that there appeared to be an error and he would correct it as necessary.

Josh Peters pointed out that the Staff Report also talked about other adjacent parcels owned by the applicant that were mentioned in the application. The applicant stated that the idea was to combine the parcels in order to create a new subdivision. He stated that staff was suggesting that, should the subject property actually be rezoned and was combined with the other parcels, there would be a situation where there would be different zoning. He stated that staff would suggest, if the Planning Commission recommended rezoning the Commercial Forest parcel, the commission should consider rezoning the other parcels the same as well, even though they were not specifically part of the application, in order to avoid split zoning.

The Chair opened the hearing to public testimony.

Jim Lindsay, Kingston, represented the applicant. He provided two handouts to the commissioners. One was a copy of a 1995 Forest Practices Act permit and a memo to the Planning Commission. He stated that the whole purpose of the petition was to allow them to combine all three parcels totaling 105 acres and then subdivide that at RR 1:20 to create four lots, which would allow one additional lot. He stated that the petition was made more due to the physical characteristics of the land and the need to identify suitable building sites within the 105 acres. He discussed the FPA permit and the estimated board footage taken. He stated that the permit was for 40 acres of the 90 acres, which basically meant there were 40 harvestable acres on the whole 90 acres. He disputed the per acre board footage figure, stating that if applied to the whole 90 acres, the board feet per acre was more like 800 bf per acre than the 18,000 bf figure cited. He stated that his conversation with the DNR indicated they agreed with his assessment. He stated that the DNR kept no official record of forestry yield per acre for the Toandos Peninsula. He stated that they felt the assumptions the Comp Plan was based upon were no longer valid, though they were valid at the time. Specifically, the ones that dealt with Commercial Forest relating to land grades were no longer valid. He paraphrased NRP 3.1 which addressed Commercial Forest

designation criteria. He stated that the forest land grade maps were developed for the purpose of taxation based upon the grade, not for productivity. He referred to Table 2 of the soils document. He stated that he compared the forest land grades, which described the productivity of the forest land, and matched them up with the woodland groups, which was the designation for productivity from the Soil Survey. He stated that the Soil Survey had four woodland groups for East Jefferson County, although the county had a total of eight. He described the productivity classes, stating that the county had no land in the highest class. He stated that lands were highly productive in the 50% and above categories. Lands in the low productivity categories were in the bottom 50%. He invited a comparison of the soil types depicted on the colored map for the specific site. He stated that, in Eastern Jefferson County, the highest productivity land was 1,350 bf per year. The lowest was 60 bf per year. The mid-point was about 705 bf per year. Considering the soils on this site and their ability to produce timber commercially, the best one had a production rating of 880 bf per year. Unfortunately, that particular soil type was so environmentally sensitive and so close to the shoreline that it could not be logged, not only under the UDC regulations but also under DNR regulations. He stated that the DNR allowed no logging within 200 feet of the shoreline. He stated that was reflected in the FPA permit provided. He stated that the other soil types on the site that made up 68% of the total area had a production rate of 250 bf per year or less. Therefore, approximately 68 acres of this site was in the very low categories for forest production, hardly what one would assume to be commercially productive. He stated that was really their case. He admitted that the site was in the forest tax program and had been logged. He stated that there was lots of land in the forest tax program that was not designated Commercial Forest. He stated that their contention was that the site was mislabeled. It should have never been designated Commercial Forest in 1998. He stated that they were asking that the next available zone that would have occurred, had it not been designated Commercial Forest, would have been RR 1:20. In addition, to the north was RR 1:5 zoning. To the south was RR 1:10, although some of that land had not been platted. He stated the opinion that three or four of the lots to the north could not be built on if their site remained Commercial Forest because they could not meet the buffer requirement. He stated that there were only two pieces of waterfront property on the Toandos Peninsula that were zoned Commercial Forest because they tried to stay away from that when the county was doing the Comp Plan. He stated that it was physically impossible to have waterfront lots on this site. Any houses that would be built would have to be up on the top of the slope, probably 300 to 400 feet from the shoreline, simply because that was where the building pads existed, unless you went to great expense to re-shape the land. That was probably not economically feasible. He stated that staff came up with two recommendations. One was denial. The other was to rezone it and require a cluster development. He stated that if they could cluster, they would. He stated that the land would not allow that. He offered to take the staff on a field trip to show them that it was physically impossible to cluster four houses on the property. He stated that there were only four natural building sites on the property. That was why they were only asking for RR 1:20 zoning. He asked that staff reconsider their decision and that the Planning Commission forward a recommendation to the BOCC that the application be approved.

There was no other testimony offered.

MLA05-61, Olympic Property Group (OPG):

Kyle Alm described the location of the proposal in the Shine area currently zoned Commercial Forest. The petition was to rezone the property to a combination of RR 1:10 and RR 1:5. He stated that there was a discrepancy between the water service area map included in the application and the actual water service area map for the PUD system in the area. He stated that the designation criteria for Commercial Forest said that a majority of the property should be outside of a water service area. That was the case with this parcel. He provided information on staff's consultations with PUD #1 about the water service area. He stated that staff's recommendation was that the subject parcel remain Commercial Forest.

The Chair opened the hearing to public testimony.

Sue Schroader, OPG, handed out a map of the subject property and a letter from the PUD #1 dated April 12, 2005. She also displayed easel maps of the subject property which depicted surrounding parcels. Ms. Schroader provided a copy of her presentation notes for the record. She stated that the Comp Plan criteria for designation of Commercial Forest land said that land should not be designated in areas under development pressure. It also said that Commercial Forest lands should be adjacent to large parcels to allow for adequate buffering and setbacks on the residential lands. She noted that to the south of their parcel were high density residential lots, many less than an acre in size. She stated that there were 171 lots that were less than an acre. She referred to LNP 3.3.1 which provided the criterion concerning an established pattern of the same or similar sized parcels or smaller parcels along a coastal area. She stated that the subject property was immediately adjacent to RR 1:5 zoning with many of those lots at one acre or less. She stated that their original petition indicated that 100% of the subject parcel was within the Bywater Bay water service area. To her knowledge, they were not informed, as the property owner, about a change that took over half of their property out of the water service area. She apologized to the Planning Commission for that discrepancy. She stated that the Staff Report indicated that less than half of the parcel was within the Bywater Bay water service area. A footnote on Page 2-29 of the Staff Report said that just over approximately one third of the parcel was within the water service area. So there was a discrepancy in the Staff Report with one place saying just under one half and another place saying just over one third. She stated that the PUD #1 map appeared to indicate that approximately 50% was within the water service area. She stated that the water service area boundary went approximately along the same line they proposed as the boundary between the RR 1:5 and RR 1:10 zoning they were asking for. She referred to the PUD #1 letter attached to the handout, which said that the PUD would honor its commitment to provide water service on Pope Resources property from the Bywater Bay water system. That was part of the transfer document from 1995 between Pope Resources and the PUD. That document allowed up to 76 additional taps on Pope Resources land. She stated that the PUD had indicated that there could be a problem pumping water up to the subject site. She stated that would be OPG's problem; they would have to figure out how to get the water up to the site as part of their development plans. She stated that they believed RR 1:10 was the appropriate zoning for the northern half of their property. She stated that the intent of the RR 1:10 district was to provide a transitional area between the RR 1:5 zoning and the Commercial Forest zoning. She stated that they believed that by asking for RR 1:10 transitional zoning, it would allow a proper buffer between a rural settlement and the existing state and commercial forest operations.

Mike Whittaker asked about the 250 foot buffer for the Commercial Forest land to the north. Sue Schroader replied that it would be on the 10-acre transitional parcels.

There was no other testimony offered.

MLA05-53, Widell:

Kyle Alm described the location of the subject property on the south side of Highway 20 across from the Glen Cove Light Industrial/Commercial designation. He reported that the applicant indicated that the area was in existence on July 1, 1990. He described the built environment, with a commercially approved access since 1980. He stated that there were applicable Hearings Board and court cases. He stated that it was clear through an agreement with the City that we had established permanent boundaries [for Glen Cove]. He stated that staff's recommendation was to deny the proposal.

The Chair opened the hearing to public testimony.

Kevin Widell, Chimacum, the proponent, stated that the parcel was six acres (a correction). He stated that the rezone was requested for a specific use, which was to re-locate an existing business. In doing the research, they had found the actual DOT commercial highway access permit. He stated that all permits for that property had been commercial permits going all the way back to 1981. He stated that the Hearings Board found in Lewis County that minor adjustments to the logical outer boundary of a LAMIRD that included undeveloped property was consistent with the goals of the GMA and with RCW 36.70A.070(5)(d)(4) a, b and c. He stated that this parcel started commercial development on September 10, 1981. Commercial infrastructure designed to serve both parcels was started long before the adoption of the GMA. He stated that the case cited was Pennsco v. Lewis County. He read some excerpts from Davis v. Mason County that indicated that a county may make minor adjustments to a LAMIRD boundary to include undeveloped property to allow for infill. The definition of "infill" was to allow for the intensification of density inside a constrained area. He stated that, by adding this parcel, it would be contained as the only other parcel sharing commercial infrastructure having a binding commercial site plan in place. He stated that the Hearings Board had found more than once that local governments were afforded a broad range of discretion in determining the methodology for compliance. That raised the issue of the document between the City of Port Townsend and the county. Prior to that document, Glen Cove had an interim boundary. In finalizing the boundary, the county proposed a certain amount of acreage which the City did not agree with. The parties went into a binding contract which was valid until 2007. The document said the parties would mediate, or come to an agreement, on the final boundary, which had happened. Therefore, we now had a LAMIRD which we did not have prior to that agreement. He stated that the GMA now stated that the outer boundaries of a LAMIRD could be revisited and changed within the rules of the GMA. He stated that the document the county and City entered into also stated that any future adjustments to the LAMIRD were to be negotiated or mutually agreed upon by the City and county. He stated that the Staff Report recommended denial of the application because of the document. However, if you read the document, there was a way to do this in it. If his parcel was allowed to be commercial by what was already there and it met the GMA standards, and if the Planning Commission found that, he asked that the Planning Commission recommend that the county start the negotiations with the

City to see if this was possible. He stated that the document in question should have been forwarded to the Planning Commission by DCD.

There was no further testimony offered.

Edel Sokol asked about the inter-local agreement that was referenced in the City-County document. Kevin Widell stated that he thought the document itself was the inter-local agreement. Josh Peters stated that staff would look into the question and respond.

Phil Flynn asked if Mr. Widell intended to access the property onto Highway 20. Kevin Widell replied that he did.

MLA05-70, Pepper:

Kyle Alm provided a brief summary of the petition for rezone from Rural Residential to Rural Commercial/Neighborhood Visitor Crossroads at Four Corners. He stated that it was a similar situation to Mr. Widell's. He stated that there was no evidence of a built environment to serve the subject parcel that was in existence on July 1, 1990. He stated that staff recommended denial of the petition, stating that staff felt the LAMIRD boundary was appropriate.

The Chair invited public testimony.

Kelly DeLaat-Maher, Tacoma, stated that she was the attorney for the applicant. She stated that this was an application for an amendment from RR 1:10 to the rural commercial Neighborhood Visitor Crossroads designation. She stated that there had been previous applications. She pointed out a notation on Page 1-17 of the Staff Report that indicated Jefferson Transit had recently selected the site as the location for its new operations and maintenance facility and transfer station. She stated that, certainly, that use was not applicable to a Rural Residential zone. Therefore, if at some point development by Jefferson Transit should occur, if they acquired the property from Ms. Pepper, they would need a change in zoning, either through this process or through a conditional use permit. Therefore, something significant had happened to this site since 1990, and it had also happened to this site since the application was filed by Ms. Pepper. She stated that, as indicated, the property was located at the intersection of SR 20 and Four Corners Road. She described the commercial uses located in the immediate vicinity of the intersection. She stated that, therefore, this property, if it was rezoned, would not result in an abnormal boundary, which was one of the issues the Planning Commission must consider. She stated that they believed the application was not in violation of the GMA. There were specific provisions within the Act, which guided the designation of a LAMIRD. She described some of those guidelines, including the need to preserve the character of the natural neighborhood and community. As indicated, there were several rural developments and commercial uses in the area, which would not be inconsistent with any use Ms. Pepper may contemplate. Nor would it be inconsistent with Jefferson Transit's use. She stated that the physical boundaries were also considered in determining a LAMIRD. She stated that the subject property was one of the corners at a crossroads. She asserted that it was a logical boundary for a Visitor Crossroads designation. It was not going to result in an abnormal boundary, another of the consideration criteria. Another GMA consideration was the ability to provide public facilities in a manner that did not promote low density sprawl. She stated that a commercial usage would be in the same general area, across the street,

from the same designation. It would not result in an abnormal boundary and would not permit low density sprawl. She stated that the Planning Commission also needed to consider the specific criteria contained within the development code. She referred to Page 2-38 of the Staff Report which listed the eleven criteria, one of which was not applicable and five of which they agreed with. She cited some examples of the criteria they agreed with. She stated that Land Use policy 11.2 stated that LAMIRDS should be contained within a logical outer boundary based upon the requirements of RCW 36.70A.070(5)(d). She stated that a rezone would not result in an abnormal boundary. Also, the proposed amendment should not result in a probable adverse impact to the transportation network, capital facilities, etc. She stated that, as they indicated in their application, there was a bus stop located on the subject site. If Jefferson Transit did acquire the site and was required to get a conditional use permit or a rezone, there would be no detriment to the public facilities because the public facilities were right there. She stated that they agreed with the staff recommendation that the subject property was suitable for commercial use. It was right across the street from the store and there were other commercial uses down the road. Finally, the proposal would not materially affect the land use and population projections. She stated that they agreed with that finding as well. She stated the belief that the biggest area of the staff's concern was the findings on Page 2-38 which indicated that the circumstances had not changed substantially since adoption of the Comp Plan. She stated that circumstances had changed, particularly if Jefferson Transit proceeded with the purchase or condemnation of the site. She pointed out that Ms. Pepper had applied for this zone change prior to the site being chosen. She stated that they agreed with some of the former testimony. They did not believe the site was properly considered, or not considered, for inclusion in the commercial zone in 1998 because of its location. She admitted that it did not have an actual built upon commercial usage in 1998 or in 1990; however, the property had been zoned commercial. She urged the Planning Commission and staff to re-examine their recommendation to deny the application in light of the rather unique circumstances of this site. Furthermore, she cited some of the considerations that must be made in determining a commercial crossroads. One was to serve the commuting/traveling public. She stated that, again, if the site was acquired by Jefferson Transit, the use that would be made of it would certainly benefit the traveling public. Additionally, a crossroads was an area in which to encourage affordable housing through the allowance of multifamily housing opportunities. She stated that the uses Ms. Pepper would contemplate for her property were contained within those designations. Therefore, the uses she would make of her property, should she have the use of it in the future, would be in line with those uses.

Jim Hagen asked when the property was downzoned from commercial to Rural Residential. Kelly DeLaat-Maher replied that it was sometime prior to 1997. She explained that Ms. Pepper had applied for a rezone from residential back to commercial in 1997 because of a rezone that occurred in about 1994 or 1995, noting that Ms. Pepper was not a part of that process. Mr. Hagen summarized that, at one time, the property was designated commercial. Ms. DeLaat-Maher agreed that was the case.

Tom McNerney, Brinnon, stated that after he read the news article in today's paper, he thought there was an opportunity for him to try to right a wrong. He stated that he was a Planning Commission member at the time the Pepper property was denied a rezone in the past. He stated that it was a split vote. The denial was based on a lack of infrastructure on the property. Later they found out there was water service to the property. Following that

denial, the Planning Commission considered a rezone for property at the intersection of Center Road, Chimacum Road, and Highway 19, on the northwest corner of a 4-way intersection. It was the same as this situation. At that point, the staff recommended the Planning Commission approve the rezone because of infrastructure (water service). The circumstances were almost identical. He stated that he felt he had made a mistake in supporting one and not the other because they were identical situations. He stated that when the Planning Commission looked at Glen Cove, the boundary was based on infrastructure. They looked for power lines or an underground water line, anything they could use to extend the boundary of Glen Cove. Yet, with the Pepper property, they ignored the infrastructure that was present. He stated that it was at a 4-way intersection. He thought it met the legal criteria for a LAMIRD designation. He stated that he thought he had made a mistake in voting against the Pepper application before after he saw what happened later. He stated that the BOCC, acting as members of the Transit Board, had told the Transit manager to see about making the subject property an industrial site with a big parking garage, bus parking and the Transit offices. He thought that neighborhood shopping would certainly be less intensive than what had already been tentatively agreed to by the BOCC, if Jefferson Transit acquired the property. He stated that it did not seem right to him to hold someone hostage who had a piece of property and to keep it residential so it would make it cheaper for the county to condemn it. Then when the Transit got done with it, it would be much more intensive development than they had ever put forward in the past. He stated that his opinion was that we should put right the mistake that was made before.

There was no further testimony on the Pepper amendment.

MLA05-06, McDiehl LLC:

Kyle Alm provided a brief summary of the petition for rezoning from Rural Residential to MPR Village Commercial. He described the location of the property at the intersection of Oak Bay Road and Paradise Bay Road in the Port Ludlow MPR. Because the site was within the MPR, it would not be considered under the LAMIRD criteria (RCW 36.70A.070(5)). He stated that, basically, the only constraint was the open space reserve on the west side. The property currently had access from Oak Bay Road and would most likely be served from that road in the future. He stated that staff recommended approval. He stated that the site would be served by water and sewer and the drainage district.

The Chair invited public testimony.

David Goldsmith, representing the petitioner, handed out two documents. One was a map of the subject site as it was "orphaned" and the other was the subject site included within the commercial boundary. He stated that the parcel was orphaned during the designation process of the Port Ludlow Village Center. He stated that they could not find a logical reason why it was left out. Apparently, they only considered what was built on the ground and what was proposed in the Master Plan by the developer. He stated that the property sat on the northwest corner of the intersection. It was bound on the north by a ravine and a reserve area. It was also bound on the north by a residential plat and also a buffer that separated that residential plat from the subject property. He stated that the other two sides of the subject parcel were bound by commercial properties. He stated that a rezone was not precedent setting in and of itself. He stated that they concurred with the staff recommendation. He stated that the applicant had already indicated

that whatever rules were pertinent to the MPR commercial zone would apply to this property. He stated that the intention was to be part of the community. He stated that a question had been raised about access onto Osprey Lane. He stated that they had not talked to someone about gaining access onto Osprey Lane. He stated that the current access was onto Oak Bay Road. He stated that access onto Osprey Lane would be a secondary access for a fire lane, if it could be gotten. He stated that they just did not know at this point. If they could work out a better access onto Osprey Lane, they would like to do so.

Karl Barden, Port Ludlow, stated the belief that the site was topographically buffered from the surrounding residential areas. He stated that it was already a 2-sided commercial intersection and topographically blended well into commercial development in that intersection. He stated that he had numerous MPR residents express their concern about the present non-aesthetic, nonconforming, less harmonious facilities and landscaping on the property. He stated that the economic and tax benefits to the county were obvious.

Larry Nobles, Port Ludlow, stated that he was a member of the Port Ludlow Village Council but was speaking as an individual. He stated that the Village Council had not had an opportunity to review the proposal and had not taken a position on the proposal. He stated that most of the people he talked to felt this would be an important upgrade to the Port Ludlow community. However, in considering it, it had raised some interesting questions. One, Mr. Diehl believed the property was not part of the MPR. He stated that Al Scalf had told him it was. He stated that somehow that island was kind of set aside when the MPR was designated. Another issue was when the development agreement was set up between the county and Pope Resources, the subject property was left out of the development agreement. The owner of this property was not a signatory to the development agreement. He stated that there were some other properties in the commercial area and bordering the commercial area that were not signatories either. Bert Loomis was one example. He stated that the Village Council would like to give some consideration to bringing these individuals into the development agreement as signatories in the same way that Port Ludlow Associates was a signatory. He stated that he had discussed the issues with Mr. Diehl. He stated that Mr. Diehl was amenable to that possibility. He stated that he had discussed it with Al Scalf, who said that DCD would be willing to help draw up whatever legal documentation was necessary to make them signatories to the development agreement. He stated that Port Ludlow was not a municipality; it was a different kind of designation as a MPR. He stated that the development agreement helped the community to regulate some things. He stated that Port Ludlow Associates had agreed to at least consult with the Village Council and its Community Development Committee before it went to the county with any proposals. He stated that his suggestion would bring Mr. Diehl and some others under the umbrella of the development agreement. He stated that they would certainly try to recommend to the Planning Commission that it make that a provision of approval of the zoning change, even though they highly supported the change.

Phil Flynn commented that his impression was that Mr. Nobles was speaking as a representative of the Village Council and that the suggestion was from the council. Larry Nobles responded that the Village Council had not considered the suggestion formally. He stated that he had brought the issue before the council and they had agreed to talk about it sometime. He stated that volunteer groups did not move as rapidly as one would like.

Edel Sokol asked how the applicant felt about Mr. Nobles' testimony. Bryan Diehl replied that what would apply would be architectural requirements and similar things. He stated that they would want to develop in a compatible way that was appealing to the community. He stated that they would consult with the Village Council anyway. Larry Nobles stated that the Village Council had no right of approval or disapproval. He stated that PLA could ask them to support, or not support, or support with conditions anything they would submit to the county. Mr. Diehl stated that it would just be another step in the process to make the community happy with what they developed. Ms. Sokol stated that Mr. Nobles was talking about the county helping to modify a legal document. Mr. Diehl stated that he could not speak to that. Mr. Nobles stated that the development agreement was a legal document between PLA and the county. He stated that there were some others who owned property in the area who were not signatories to that agreement. Peter Downey was concerned about whether the Planning Commission could address that issue during the Comp Plan amendment process. He thought it would be outside the commission's purview to address modifying the development agreement. Phil Flynn stated that the Planning Commission could suggest the development agreement be modified, however. Mr. Nobles stated that the development agreement included design guidelines. He stated that they were very broad and not very constrictive.

There was no further testimony offered on the McDiehl amendment.

The Chair opened the floor to any additional, final comments on any of the site specific amendments. None were offered.

The Chair moved the hearing on to the suggested amendment. He stated that the hearing procedure he outlined earlier still applied.

MLA05-66, Jefferson County:

Kyle Alm stated that the application was to make several map corrections. He described several parcels that had been mis-zoned with adoption of the Comp Plan or that related to corrections required after the Local Agriculture designations of 2004. Other parcels had basically been split zoned. This petition would correct that. Then the application would correct some Comp Plan language relating to the population projection table (Table 3-1 on Page 3-3 of the Comp Plan) and to clarify language in the Land Use and Rural Element relating to the designation of an Industrial Land Bank as "a bank of two master planned locations".

Peter Downey asked if the affected property owners had been notified. Kyle Alm responded that the owners of the ag parcels had not been notified during this cycle. He explained that they had all been notified during the previous cycle.

The Chair opened the hearing to public testimony. None was received.

The Chair closed the public hearing. He reiterated that written comments to the Planning Commission would be accepted until close of business on August 24. The Planning Commission would begin deliberations after that time.

**C. DISCUSSION OF COUNTY ECONOMY AND ECONOMIC DEVELOPMENT COUNCIL
STRATEGIC PLAN**

Josh Peters stated that EDC Director Tamer Kirac had planned to do a PowerPoint presentation but had been called out of town suddenly. He stated that Mr. Kirac could still come to a future Planning Commission meeting to make that presentation. He introduced Mark Jochems, President of the EDC, who would make a presentation instead.

Mark Jochems provided a handout of an outline of the EDC's Strategic Plan. He stated that they were asking for input from the public on the document. He suggested that Mr. Kirac could make a presentation to the Planning Commission after the document was finalized, perhaps in October or November. He stated that they would be sponsoring an economic summit on November 10. He described the planned event and the speakers who would be making presentations. He encouraged the commissioners to attend that summit.

Mark Jochems stated that the Strategic Plan draft was a living document. He reiterated that they were asking for input from the public on the document. He stated that he was quite excited about it because, in his ten years on the EDC, they had never had anything like it. He stated that there was an emphasis on the City and county Comp Plans.

Mark Jochems referred to a page near the end of the document where it addressed living wage jobs. He read the definition of a living wage job. He described the income levels for a living wage job based upon family size. It addressed the number employees per Zip Code area and the amount of wages paid. He stated that manufacturing and marine trades were combined. He stated that there were 766 jobs in 2005 and half of that was in the marine trades. He stated that he had a presentation on the impacts of the marine trades in the county, but he would not go into that now.

Mark Jochems also handed out a table (Table 4) depicting Jefferson County and Washington state average wage and salary. It did not include transfer income; it only included wages from jobs. He described some statistics relating to numbers of employees and their wages. He stated that, if you took away the government employees (city, county, state, and federal), the average wage was at 50% of the state average. He stated that a surprising statistic was that only about one third of the county residents were actively working, two thirds were not working. He described what consisted of transfer income, retirement income, investments, etc. It was income not related to wages from working.

Bill Miller stated that retirement income was a high percentage of the money coming into the county. Mark Jochems stated his understanding of that, stating that his work in the marine trades was largely based upon a retired clientele. He stated that income was highly cyclical, however.

Mark Jochems turned to the EDC's request for proposal [RFP] on the Industrial Land Bank [ILB] issue. He handed out a copy of their RFP for a database of commercial and industrial zoned land and infrastructure as a prerequisite for designating an ILB. He summarized the four tasks in the RFP. It included a searchable database. He stated that CTED and the county were very excited to pursue this study and the City and Port were warming up to the idea.

Jim Hagen stated that CTED was paying for half of the study on a matching basis, with county entities paying the other half. He asked about the

projected costs. Mark Jochems responded that they would know that within about a month. He referred to the timeline in the RFP. After getting some figures, the EDC would bring the stakeholders together again to see how the individual entities would want to participate within the options. He stated that they were leaving the option open to break the proposal into two proposals, if necessary, with Tasks 1, 2, and 3 being one proposal and Task 4 being another. He stated that he was not sure how it would turn out, but they would keep the Planning Commission informed. He stated that he was encouraged and hoped to have a final document by December.

Phil Flynn stated that the missing link was housing. He stated that the pay levels we were talking about would not afford the housing costs in this community. He asked why the study was not touching on that ratio. Mark Jochems stated that Mr. Flynn had touched on the one thing that, to him, the whole world revolved around. He stated that, if we were going to be an economically viable community and have a workforce here, we needed to figure out a way to get some low income, high density housing. He thought that was a key element. Mr. Flynn stated that the economic strategy did not address that issue. Mr. Jochems understood that, and stated that they would.

Peter Downey asked when comments were due on the Strategic Plan. Mark Jochems replied that they had not set a closing date on it, although they would like to have it completed and approved by the EDC board by the November 10 economic summit. He stated that there was a lot to be discussed and a short time to do it.

Phil Flynn asked about the keynote presenter at the November 10 summit. Mark Jochems stated that he would be coming from Olympia. He stated that he was not sure about the format yet. He stated that there was a rumor that the Governor would be there, along with some other keynote speakers.

Jim Hagen asked about the EDC board elections and its timing and whether that outcome would have an effect on the Strategic Plan. Mark Jochems responded that he thought everything was on the table. He thought there were some good board candidates coming up. He stated that there would be a new board in September, but he had a pretty good feeling about the possible outcome. He stated that the board was currently discussing the by-laws, particularly concerning ex officio members.

Mike Whittaker asked about the EDC's budget and how it was funded. Mark Jochems replied that the EDC was funded at about \$130,000 per year. He provided information on their funding sources.

Edel Sokol asked if there was any West End representation on the EDC. Mark Jochems replied that there was not. He described their outreach efforts in Clallam County and the West End.

Concerning the ILB issue, Mark Jochems reviewed the property near the airport that was being discussed several months ago. There was a total of about 65 acres under a few ownerships. He reported that one or two of those owners were now more interested in creating an aviation related housing development on most of those acres. He stated that they had a profitable meeting with Lewis County on what it took to do an ILB. The upshot was that it would take about \$200,000 and two full time staff for a year to do the planning and environmental work, although CTED was willing to pay half on a matching basis. Lewis County had required the proponent to pay the expenses. He stated that the Port was pretty clear that they were not willing to spend any

money towards that. He stated that, at that point, the ILB went from 75 acres to 25 acres, which was not worth that kind of money. If we could put together about 75 acres, it would be worthwhile, particularly with county planning involvement. He stated that he still had some optimism. He stated that he did not know what to do about the Marlow property near the airport. He stated that it had been offered to the Port some time ago, but the Port was not interested in that proposal. He stated that property near the airport was going for about \$25,000 per acre. In comparison, an acre in Glen Cove was selling for about \$50,000.

Phil Flynn stated that he had lunch with Bill Marlow a few days ago so he knew about Mr. Marlow's views. He did not think a land bank of 25 acres was viable; it needed to be 75 acres or more. Mark Jochems agreed. Mike Whittaker asked if it was possible to start with 25 acres and expand later. Mr. Jochems replied that it was not possible to do that. A ILB proposal had to be contiguous and one chunk of land. Once the boundaries were defined, they were set. He stated that he was happy the legislature gave us an opportunity through the amendment to the GMA, but there was a 2007 deadline for it to sunset.

Mark Jochems stated that he would still like the Port to be the driver on the ILB, but he did not know if that would happen.

Peter Downey asked who to send comments to on the Strategic Plan. Mark Jochems stated that comments should be sent to the EDC website. Mr. Downey commented that the natural resources section was inadequate. Mr. Jochems agreed, stating that there were other inadequacies as well, marine trades being one and manufacturing being another. He reiterated that it was a very rough outline that needed to be amended.

Jim Hagen referred to the RFP and stated that he had heard that the City had requested that any connection between the ILB and the airport be removed. He asked if that was true. Mark Jochems responded that the City had taken some offense about the land bank. He stated that he had been told that was one of the reasons the City had cut the EDC's funding. He stated that he was just trying to create opportunities for jobs in the county. He stated that, during the RFP committee meetings, it had been pointed out that the City might consider funding it if Task 4 concerning the ILB was dropped. So he was hoping that the City would fund the tasks they were comfortable funding.

The Chair invited general public comments.

Kevin Widell referred to the comment that one third of the population was working. He stated that this county and the City of Port Townsend had a high proportion of people who worked under the table. They were artists or craftsmen and they were a big part of this community. As a business owner, he had many such people asking him to refer them for work, but they purposely worked under the table. He stated that there needed to be something in the Strategic Plan to capture that segment. He thought it could be 10% or higher of the workforce. Mark Jochems responded that such people were very hard to track because they did not want to be known.

Kevin Widell stated that the comment had been made that land in Glen Cove was priced at about \$50,000 per acre. He stated that the only property in Glen Cove that could accommodate his business (requiring at least three acres) was priced at \$675,000 with no negotiation. Mark Jochems responded that an acre

property had recently sold in Glen Cove for \$50,000. Mr. Widell stated that he needed at least three acres.

There was no other public comment received.

D. ADJOURNMENT

Josh Peters stated that staff had arranged for a special meeting on August 31 at the Tri Area Community Center with the purpose of further discussing the watershed planning issue. He stated that representatives of DOE and CTED would be present to discuss the issue with an emphasis on the in-stream flow issue and the proposed DOE rule. He described the presentation that may occur and how long the Planning Commission might take in the discussion. He stated that other interested stakeholders would be invited to the workshop as well.

Josh Peters stated that, if time permitted, the Planning Commission may begin deliberations on the Comp Plan amendment docket. The written comment period would have closed by then and such comments would be mailed to the Planning Commission prior to the August 31 meeting. He suggested that the Planning Commission could begin discussions but possibly should wait to make final decisions until at least the September 7 meeting. He stated that staff wanted an opportunity to respond to some of the things that came up during the hearing.

Edel Sokol asked about the UDC Omnibus. She stated that the Planning Commission had discussed getting input from the business community on the sign issue. She asked if a contact had been made yet. Kyle Alm replied that he had not had time to do so yet. Josh Peters provided an overview of the timing for the UDC Omnibus, which would occur after the Planning Commission completed its recommendations on the Comp Plan amendments.

Stating that water was so critical, Phil Flynn asked if the well that was drilled at the airport could be used for an ILB in that area. Mark Jochems replied that fire flow was a key element for the land bank. He expressed concern about the wellhead protection zones around the two wells, stating that it would take about three acres out of the picture. He did not know if the new well was on the FAA funded land or if it was on the 25 acres. He stated that, certainly, the well would be the property of the PUD and they could do whatever they wished with it. Kyle Alm stated that if they had a senior water right, they would be able to use it.

Jim Hagen stated that the August 31 workshop was open to the public and Mr. Jochems was cordially invited to attend. He pointed out that the Watershed Act included a provision about water for economic purposes and for habitat. He agreed with Mr. Flynn that the August 31 special meeting should be devoted to the watershed planning issue. He preferred to delay discussing the Comp Plan amendments until the September 7 meeting. It was agreed that additional discussions could occur and questions could be asked on August 31, which would give staff time to respond before the September 7 meeting.

Josh Peters reviewed the work schedule for the rest of this year. The August 31 meeting would be primarily devoted to the watershed planning issue. The September meetings would be devoted to the Comp Plan amendments. Then the UDC Omnibus would come forward in about October. Then we would be coming back to the critical areas issue, followed by the 2006 Comp Plan amendment cycle. Long range, the Shoreline Master Program [SMP] update would be

proceeding with a target for public review in 2007. He stated that the county had received funding from the state to do the SMP planning with a target for adoption in 2007. He stated that the Planning Commission would be invited to participate in a stakeholders group, similar to what the City had done, prior to the commission's formal public review of the document.

Bud Schindler stated that he heard the comment that Tamer Kirac would come to the Planning Commission to do a PowerPoint presentation sometime in the future. Mark Jochems stated that they could reschedule Mr. Kirac to do a presentation on the economic strategy when the commission was ready, although he thought it would be preferable to wait until the Strategic Plan was more finalized.

Mike Whittaker referred to the last minutes where it addressed a DOE database on water rights. He asked if staff knew anything more about that. Josh Peters responded that he would have to ask DOE about it.

Mike Whittaker stated that one Comp Plan amendment applicant had said the Planning Commission should do a site visit. He asked if that was possible. Josh Peters described ways the individual commissioners could do site visits if they wished, stating that staff could make arrangements with the proponents, although we would have to be careful about commissioner numbers because of the Open Public Meetings Act.

Mike Whittaker suggested that the August 31 watershed workshop should be advertised, because most people did not know anything about watershed planning and the WRIA 17 planning effort. The commissioners and staff discussed ways to get the information out to the public.

The meeting was adjourned at 9:28 p.m.

E. APPROVAL OF MINUTES

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

Jim Hagen, Chair

Cheryl Halvorson, Secretary