JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR SEPTEMBER 7, 2005

A. OPENING BUSINESS

B. DELIBERATIONS/RECOMMENDATIONS ON 2005 COMPREHENSIVE PLAN AMENDMENT FINAL DOCKET

C. 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 Allen Panasuk, Phil Flynn, Dennis Schultz, Bud Schindler, Peter Downey, Mike Whittaker, and Bill Miller. Edel Sokol was absent.

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

There were five members of the public present: Kevin Widell, Nancy Dorgan, Gloria Bram, Sue Schroader of OPG, and Janet Huck of the Leader.

The Chair invited staff updates.

Josh Peters stated that there would be an open house on September 20 sponsored by DOE on the WRIA 17 rule. He received an email flyer from DOE and would forward it to the Planning Commission.

Jim Hagen asked if Mr. Peters had talked to Phil Wiatrak of DOE about whether he had forwarded the comments received at the August 31 Planning Commission workshop to his superiors. Josh Peters replied that he had not talked to Mr. Wiatrak directly. He stated that he would ask Mr. Wiatrak about it. The commissioners were interested to know whether a written report would be provided to their superiors. If so, the Planning Commissioners would be interested in receiving a copy of it for the record. It was also noted that the public would be interested as well. Mr. Peters stated that a copy of the August 31 minutes had been forwarded to DOE staff.

The secretary noted that staff had handed out a corrected chart for the watershed Reserve Areas.

Bud Schindler stated that we had been talking about WRIA 17, but a portion of WRIA 16 was in the South County. He thought it was appropriate to discuss that planning unit as well. He did not know if there was any synergy between the two planning units. Peter Downey stated that there was a big difference between the two WRIAs. Josh Peters stated that this county actually had about four WRIAs within its jurisdiction, stating that there were a couple in the West End. He stated that Mason County was the lead for WRIA 16. He stated that WRIA 17 planning was farther ahead than WRIA 16 in terms of process. He stated that the watershed plan for WRIA 16 had not yet been adopted, whereas the WRIA 17 plan had been adopted and we were now into the rule making process.

The Chair invited committee reports.

Bud Schindler stated that the UDC Committee had met. He suggested that the minutes for those meetings be distributed to the full Planning Commission. He reported on a couple of things that had been raised by Al Scalf at the last meeting. The thought was that the issues should be addressed in the UDC Omnibus. He stated that the committee had considered the County-wide Planning Policy [CPP]. They thought the CPP should be incorporated into the Comp Plan and any amendments to the CPP should be handled as part of the Comp Plan amendment process. He stated that it may be necessary to involve the UGAs, the city Planning Commission, the Port, and maybe even the state agencies in understanding and making sure the CPP were a working piece of literature. He stated that the committee thought that, right now, they

really were not working. He thought they should work and that they should have a performance analysis applied to show that they were working.

Dennis Schultz stated that, as part of the process, there should be a meeting with the city, the Port, the UGA, and/or state agencies. He stated that it was not a Planning Commission only topic; the other entities also had input and a say in the CPP. Those entities should be directly involved in the CPP amendment. He pointed out that there had been one update of the CPP in ten years. He agreed that the CPP was not working because no one did anything with it. He thought that revising the CPP could make it a workable document by providing better policy.

Bud Schindler stated that it should be recognized that there was a need for the CPP in order to have consistency and coordination between jurisdictions. The level of consistency and coordination was a question that needed to be answered. Mr. Schindler reported on his conversation with Doug Peters of DCTED at the August 31 meeting about the CPP and the fact that they were not working in this county. He reported that Mr. Peters had agreed that if they were not working, they should be fixed. He thought there was a challenge to find what was necessary to reach the goal of consistent planning and coordination between the agencies and jurisdictions.

Mike Whittaker referred to the Comp Plan amendment process, which may include the CPP in the future. He offered the opinion that a process taking the better part of a year was too long. He stated that he would like to see that process sped up, although he admitted that may not be possible. Jim Hagen stated that if the CPP was incorporated into the Comp Plan as suggested, any amendments to the CPP would go through the regular Comp Plan amendment process.

The Chair invited public comments, noting that the comment period to the Planning Commission on the Comp Plan amendments had closed. He stated that comments on the amendments should be directed to DCD for inclusion in the record and distribution to the BOCC.

Nancy Dorgan stated that she had watched the CPP amendment process start and then implode. She stated that language had been proposed by staff without justification or rationale. Ms. Dorgan then commented on the watershed meeting. She thanked the Planning Commission for having that meeting. She stated that there had been a total disconnect between watershed planning and land use planning. She stated that the Planning Commission meeting was the first time she had seen an effort at bringing the two together. She referred to the 2004 Comp Plan amendment cycle where the county had rezoned so many acres into Ag Lands of Local Importance. She stated that she had commented about the SEPA analysis as it related to water. She described a public records request she had made in 2004 and the response she received from DCD concerning any watershed planning reviewed by the county for the 2004 Comp Plan amendment cycle. The response basically denied her request as not being specific enough. She stated the belief that water impacts of planning should be an environmental consideration. She stated that the problem was that Long Range Planning had not been involved in the watershed planning process. There had not been an intersect between watershed planning and land use planning. She stated that there was a lot of work to be done in that regard and she thanked the Planning Commission for beginning that intersect. Ms. Dorgan described the Washington Water Acquisition Program. She stated that there was a lot more going on with regard to watershed planning than what the Planning Commission got at the August 31 presentation. She thought that

presentation was really pretty bad. She provided information on her comments for dissemination to the Planning Commission.

B. DELIBERATIONS/RECOMMENDATIONS ON 2005 COMPREHENSIVE PLAN AMENDMENT FINAL DOCKET

Referring to the 2004 Comp Plan amendment process, Jim Hagen asked if it was true that people had been asked to wait for a year to apply for their site specific amendments. Josh Peters stated that the BOCC had adopted a resolution that the county would not take site specific amendments because of the workload for the 2004 update, the Planning Commission's amendments, and the UGA amendments. Phil Flynn stated that the Planning Commission had agreed with that decision. Mr. Hagen stated that the point of his comment related to the discussion in the SEPA analysis about the cumulative impacts of the number of site specific amendments. He stated that if the county had allowed site specific amendments in 2004, we may not have had as many this year. The commissioners and staff discussed cumulative impacts. Josh Peters stated that analyzing legislative proposals like these presented difficulties in assessing cumulative impacts. Nonetheless, we were charged with doing it.

Allen Panasuk commented that all of the citizens who applied this year had to wait over a year in order to make their application. He did not think that was an efficient use of time for applicants. Bud Schindler stated that he did not know how many, if any, of this year's site specific amendments were delayed from 2004. Dennis Schultz stated that the Planning Commission and staff had a tremendous workload in 2004 without taking on site specific amendments too. Josh Peters stated that he did not think many of these applicants had contacted DCD about submitting an amendment last year. He added that, ironically, the county did rezone 220 parcels in 2004 into the Local Agriculture designation. He pointed out that the BOCC's resolution to not take site specific amendments in 2004 could be found on the 2004 web page. It provided the reasoning for not taking site specific amendments.

Staff handed out a memo responding to public comments and requests for additional information received at the August 17 public hearing.

The Chair stated that the Planning Commission would review and discuss the proposed amendments in the order presented in the staff report, which grouped them by category.

Before taking up specific amendments, the Planning Commission and staff held a general discussion on the contents of the memo. The discussion touched on several of the specific amendments.

Josh Peters stated that the Planning Commission and staff had received both written and oral comments at the August 17 public hearing. Some of that information refuted recommendations in the staff report. He stated that, as a result, staff compiled the memorandum that was handed out at this meeting. Staff grouped their responses in the same order as the amendments were presented in the staff report, with the first group being changes in residential densities.

Josh Peters stated that they decided to take a look at some of the larger issues that potentially affected all four of the residential density applications. One question raised related to the "established pattern". He stated that staff addressed that issue at length in the memo. He stated that each of the residential density designation criteria included an established

pattern criterion. He stated that it was staff's perspective that when the Comp Plan was developed, everyone involved (staff, the Planning Commission, public and BOCC) looked at the pattern that was on the landscape at the time and essentially made judgments about what the established pattern was and zoned accordingly. He described some examples. He noted that a specific criterion for RR 1:20 was that property be directly adjacent to a Master Planned Resort. A specific criterion for RR 1:5 related to smaller parcels along the shorelines.

Bud Schindler asked what was magical about 1:5. He asked why something like 1:2.5 or 1:2 or 1:1 was not considered. He thought that if the county had adopted such zoning, it would change the circumstances and probably change the decisions that were made. Josh Peters stated that at one time there were residential densities similar to what Mr. Schindler described. He stated that he could not say why the county chose the densities it did, not having worked for the county at that time. Jim Hagen stated that he had gotten an old Comp Plan from DCD. It had rural residential densities of Suburban at 5:1, Rural at 1:1, and resource lands at 1:5. So, we had extensive 1-acre rural zoning in this county. Mr. Peters stated that the old plan was prior to Growth Management, which was a key.

Josh Peters stated that the GMA essentially said to divide the landscape into urban areas, rural areas, and resource lands. In addition, there were provisions for MPRs or LAMIRDs. There were such things as residential LAMIRDs. He thought a place like Cape George could have been designated a residential LAMIRD. He did not know that 1:5 was a magic number that may have come about through case law or whether it had come through Hearings Board decisions. He stated that it was a popular number. He stated that it was possible that 1:2.5 would survive scrutiny if done is such a way that you had a variety of rural residential densities, which was part of the statute. He thought that 1:1 would not be considered rural. Also, you would run into health issues with a minimum amount of land to accommodate both a septic and a well. He thought Jefferson County took a couple of passes at the rural residential densities and may have ended up in front of the Hearings Board. He stated that he knew the county had an appeal before the Hearings Board on the commercial forest designations. As a result, the county revisited those designation criteria. While he could not say exactly why the RR 1:5 came about, he felt sure it had to do with the separation between rural and urban and identifying those areas that were already developed as of July 1, 1990, whether rural commercial, rural industrial, or even residential areas. He stated that while the rural designation was 1:5, everyone recognized that there were many areas in the county where the lots were not five acres in size.

Jim Hagen asked if the zoning in the old Comp Plan was good right up to adoption of the GMA. He stated that he was trying to understand why and when the leap was made from 1:1 and 5:1 to 1:5, 1:10, and 1:20. Josh Peters replied that it was really with adoption of the GMA that those densities were taken up. The GMA required that counties try to concentrate population into areas where services were provided, basically densify your urban or urbanizing areas, and then maintain your rural landscape and resource lands.

Josh Peters discussed the section of the memo addressing the established pattern issue. He addressed staffs reasoning for using the 50% rule, which he indicated was not a hard rule. It was a guide for looking at the established pattern around a specific parcel of land. The established pattern criterion was included in order to allow discretion. However, staff

did not want to apply that kind of discretion; they wanted some kind of standard they could apply neutrally across the board. He stated that if you were going to use the established pattern criterion to rezone a parcel, it should be very site specific in the sense of the adjacent parcels and it should essentially be an exception based process. The zoning had already happened and the criteria had already been applied. If a specific parcel could have reasonably been zoned a different way, that was the exception the county should be considering. He stated that staff wholeheartedly disagreed with the idea that you could take a collection of parcels that happened to be owned by one landowner, who had applied and paid the same amount of money as someone who applied for one parcel, and look at that collection of parcels as one unit. He stated that you should not look at numerous parcels as one unit and then look at the surrounding density of that unit to establish the rezone. An extension of that philosophy would be if someone owned 1,000 or 5,000 acres that had small lots on it periphery and rezone that large piece into small lots.

Josh Peters referred to the table on the three rural residential amendments. It depicted answers to each of the designation criteria. He stated that it was staff's analysis and the Planning Commission could accept it or not. He stated that staff thought that, in these three cases, the zoning should remain as it was. In the fourth amendment, staff thought the zoning should be changed, based on the facts.

Josh Peters stated that the one amendment staff supported for rezoning (MLA05-59) was a 40-acre parcel near Shine currently designated RR 1:10 and was requesting RR 1:5. It was surrounded on three sides by RR 1:5, although there was commercial forest land on the fourth side. He stated that it was ironic that the same applicant [OPG] had other land in forestland that they were saying was compromised because it was close to smaller residential lots and they needed a buffer on their forestland. If you applied that same philosophy, the RR 1:10 on the MLA05-59 parcel provided a much better buffer than RR 1:5 would. Rezoning the 40-acre parcel to RR 1:5 would make the buffering problem worse. He stated that the point was that we should try to apply the criteria neutrally in all cases. He stated that, clearly, if you had an advocate for a particular position, you could pull pieces out of the criteria to make it support your position. He stated that, in these cases, we had the same applicant in two situations and the same philosophy could not be applied the same in both places.

Dennis Schultz referred to the table, stating that in some cases the criterion was not applicable. He thought the table should have shown "NA" instead of "No". He thought "No" biased the people looking at the table. He thought that using "NA" in appropriate cases would dramatically change the ratio of "Yes" and "No" answers. Josh Peters responded that it was not intended to mean that three beats two. He stated that it simply was meant to answer the criterion question.

Jim Hagen stated that the same idea applied to a situation where four criteria applied and the applicant satisfied two of them. However, those two did not have priority enough to support a recommendation for approval. He wondered about how the criteria were prioritized. Josh Peters stated that if you were talking about the Tala Point area, staff simply disagreed that the applicant met <u>any</u> of the criteria. He stated that it did not make sense, from staff's perspective, when considering the criteria to say that area could be characterized by parcels of similar size along coastal areas. While it was near a coastal area, it was not on a coastal area. It was not of

similar size; those parcels were large parcels. He stated that it just did not meet that criterion, and to suggest that it did, did not make sense from staff's perspective. He stated that it did not meet the other criteria either. It was not part of an established pattern of the same or similar size parcels. It was actually a pattern within itself of larger parcels. He stated that if the Planning Commission made a different finding, the commission would have to make findings supporting a rational basis for that recommendation. He thought it was within the commission's legislative discretion to make that judgment.

Jim Hagen thought it was a valuable discussion because it set up the background, since there were common issues with a lot of the amendments. He stated that the established pattern issue especially came up in all of the residential up-zone requests.

MLA05-39, Nelson/Monroe:

Bud Schindler stated that he looked at an amendment like Nelson/Monroe and looked at the parcels around it and certainly it did not meet the 50% standard. However, he thought that if it was divided in half (two parcels), it looked reasonable. But when you looked at it in terms of the zoning, he came back to thinking about if we had zoned some parcels 1:2.5 or 1:2, he thought it would change the texture of how you looked at some of the applications. He thought it made sense to split that parcel in two.

Dennis Schultz stated that he was trying to second guess the original zoning. He stated that the Nelson/Monroe parcel was in the Dabob Valley. It was basically an agricultural zone through that area. He stated that the parcel size for long term commercial ag was 20 acres. His guess was that when they originally zoned that area, they decided that everything would be zoned at 1:20, whether it was agriculture or residential. He stated that if we were doing the zoning today, he thought some would be ag, some would be RR 1:10 and some would be RR 1:5. Josh Peters stated that, under the 1998 Comp Plan, we created Agriculture Production Districts. Within that zone, parcels were either zoned RR 1:20 or Ag Lands 1:20. The rural residential zoning was assigned basically because the parcel was not in the Open Space Ag tax program. He stated that he had started to put that explanation in the memo. However, when staff looked at the original Ag Production District for the Dabob Valley, they found that the district line was actually on the other side of the road. He thought Mr. Schultz may be onto something since all of those parcels were zoned RR 1:20. Mr. Schultz stated that the framers of the 1998 Comp Plan did a lot of work in a short time in considering the zoning. He thought it was probably time to go back and look at some of the zoning and consider changing it in some areas. Bud Schindler agreed.

Jim Hagen stated that, as background, the goals in the GMA were not prioritized in importance. They were all to be taken equally. He stated that we constantly heard about preventing sprawl as an overarching mission of GMA, but it was really no more important than the property rights goal. He stated that a recent unanimous Supreme Court decision had stated as much. He stated that one thing the property rights goal talked about was something about arbitrary actions. While he did not mean "arbitrary" in a negative or critical concept, he thought "arbitrary" could be the term used to arrive at the 1:20 zoning. While he was not trying to be critical, he thought there were a lot of factors to consider that impacted the decisions besides the relevant criteria in the Comp Plan.

Bud Schindler asked about the relationship between development pressure and land availability. It seemed like there had to be a point where we said we needed to change how we zoned property in order to accommodate development pressure. He was thinking particularly about the area near the bridge. He stated that there was a lot of demand for development in that area. He wondered at what point the issue of development pressure entered the equation. Peter Downey stated that GMA required us to plan for a 20-year horizon, but we could update the plan during that time. Mr. Schindler stated that we were establishing a mechanism for zoning now and we had decision criteria, but he was not sure it took development pressure into account. Josh Peters stated that, in general, he thought it would be more of a legislative decision. He thought Mr. Downey was suggesting we should take it from a broader brush perspective. He stated that certainly one opportunity was when you did the Comp Plan update, which could be done in any given year. It would be based on the growth management indicators. He stated that it was not just development pressure. There were other factors to consider, such as transportation factors, resource factors such as water, etc. As an example, Mr. Peters referred to the water service area map for the Bywater Bay area, stating that there were "x" number of lots and "y" number of possible connections. Kyle Alm stated that there were 102 available connections from the PUD and 179 vacant parcels in the Bywater Bay service area. He referred to the map of the Bywater Bay service area provided with the memo.

Mike Whittaker stated that in a perfect world, you would say you have this much water which could effectively accommodate this much growth. He stated that if you had land, but you did not have water, it was nothing. He stated that this country was based on the freedom to own and use land. He admitted that you had to be more restrictive as more people came. However, it seemed to him that all the rules and regulations should be common sense guidelines instead of hard and fast rules to be applied. He stated that people changed, trends changed, demographics changed, but we were stuck with rules that were basically developed in the last fifteen years. He stated that a good case in point was the industrial land bank [ILB]. Under the rules, we had to say that the one decision was final and we had to live with it forever. He stated that he was trying to understand the issues and trying to be objective, adding that he was basically for property rights. He stated that people bought land, if nothing else as an investment, but if they could not do anything with it, where was their investment?

Allen Panasuk moved that the Planning Commission approve the application for MLA05-39. Dennis Schultz seconded the motion.

Peter Downey stated that the one thing that bothered him about the applicant's argument for this application was that they had argued that it was a Centennial Farm. He thought that was a reason to keep the property whole and not split it in two. He stated that the problem with our ag lands and farms was that it got split up until eventually it was no longer functional as ag land. He reiterated that the Centennial Farm argument just rubbed him wrong.

Bud Schindler stated that we should allow a larger house for an ADU. He did not think the Centennial Farm issue was pertinent. He stated that he looked at it from the way it was laid out and made a decision based on that. He stated that we had to live with the rules we had for land use. He thought that if we had a different ADU regulation that was less restrictive, it would be different, particularly if they could build two houses on one parcel. Since we did not have that, we were faced with a decision.

Dennis Schultz stated that this was a unique parcel, particularly with its location. He stated that he would be happier if we could require them to put the whole thing in some kind of trust or covenant and then split it, so they could not sell it off.

Bill Miller asked if the adjacent smaller parcels had houses on them or if they just happened to be property that was in smaller pieces. He stated that it appeared the farm just got split over time. Kyle Alm responded that he believed some of the parcels had houses and some did not. Josh Peters stated that the applicant provided a timeline. He stated that timeline showed how the larger homestead got divided over time. Mr. Miller stated that, after breaking it down, it looked like this was the piece that was left. He stated that he liked the idea that it was buffering the little pieces from the bigger pieces.

Jim Hagen stated that one of the things he had found in his archival research was something from a current Hearings Board member, Holly Gadbaw. It was called a Rural Element Guide. It was from the time when rural lands were still called "the leftover meatloaf in the refrigerator". One thing she talked about was preserving housing for immediate family on farms. He stated the belief that we were not talking about a classic subdivision. This was simply to enable a family member to have housing on a 16-acre parcel of land. He stated that he wanted to be clear that this was just his interpretation. He stated that the staff recommendation mentioned something about Goal 2 of the GMA, which was about reducing sprawl. He logically did not see how splitting a 16-acre parcel in two could be described as sprawl. He stated that this application was an attempt to keep the property in the family. He stated that there was the argument that they could sell it and a developer could divide it up. He stated that the commission could only go on the good faith of the applicant's stated purpose.

Dennis Schultz stated that family farms were generally split up for inheritance purposes, either to provide property to family members or to pay inheritance taxes.

The motion carried with six in favor, two opposed, and no abstentions (6-2-0).

The secretary pointed out that the commission had just recommended creating a RR 1:5 zone inside a zone of RR 1:20. She stated that all of those small parcels were zoned RR 1:20. Dennis Schultz stated that if the county was doing the zoning again, all of those small parcels would likely be zoned RR 1:5. He thought that if the owners of those small parcels applied for a rezone, the commission would be amenable to their request.

Josh Peters stated that the Planning Commission needed to include findings in support of its recommendation in its report. He suggested that staff draft some findings based upon the commission's discussion for the Planning Commission to edit. If commissioners had specific findings they wished to include, they could email them to staff. Allen Panasuk offered the opinion that the Centennial Farm issue was a non-issue. Bud Schindler stated that he went by his "gut feeling" and his feeling was that he looked at the parcel sizes regardless of zoning. He thought the commission had considered the parcel sizes and it made sense to make the decision it did.

Josh Peters pointed out that the by-laws allowed for a minority report, if the minority members wanted to make one. It was noted that the members of the minority must be "on the same page" and not have disparate reasons for the way they voted.

Jim Hagen stated that one of the main things he kept running across in recommendations for denials was a concern about a domino effect. He did not think this represented a pressure for a domino effect on nearby parcels.

MLA05-51, Kirkpatrick/Skurdal:

Jim Hagen stated that the staff report suggested an alternative zoning choice of RR 1:10 which the applicants had accepted verbally at the hearing. That alternative was offered by staff if the Planning Commission did not take the staff recommendation for denial. He asked if the choices to the Planning Commission were (1) approve the rezone as requested, (2) accept the alternative rezone at RR 1:10, or (3) deny the request. Josh Peters stated that the commission actually had more choices and described some of them, including requiring a PRRD [Planned Rural Residential Development].

Bud Schindler stated that the commission had received public comments about water quality and erosion. He wondered whether those comments had made staff consider the application further and differently. Josh Peters replied that staff's recommendation was for denial of the proposal without relying on any of those comments. That being said, staff did offer an alternative. He stated that staff did consider the mapped landslide hazard area. He stated that staff's recommendation for the alternative was that any development would have to be outside of at least the moderate hazard land. He stated that a geo-tech report would be necessary for any development on the parcel that was close to that critical area. He thought that influenced staff more than anything else. He stated that staff did not have any insight into what that area was like, although there appeared to be a disagreement between neighbors, which was unfortunate. He stated that some of the things could not be judged without spending more time and money analyzing for site specific characteristics. He stated that, because staff had other information upon which to rely, the comments did not make or break staff's recommendation.

Mike Whittaker asked if, when staff provided an alternative recommendation, the county could specify how the larger parcel could be divided. Josh Peters stated that the specifics would be part of the subdivision process. He thought the staff report talked about the landslide hazard area and recommended that any development should be outside that critical area and would require a geo-technical assessment. He stated that a map was just a guide. It required a more site specific analysis.

Peter Downey stated that, if the Planning Commission recommended approval of the rezone, the proponent would have to come to the county for a subdivision. Josh Peters stated that the development code would govern the subdivision review. Bud Schindler stated that an onsite review would then be done and, if a landslide hazard area was found, it could be found to be unbuildable. Mr. Peters stated that could happen. Mr. Schindler stated that he got concerned when we rezoned something in a landslide hazard area, but when they went to split it up, they could not do it. Mr. Downey stated that there was nothing preventing them from applying to build a house in that hazardous area right now. They would still have to go to the county with an application and they would still have to deal with it. Mr. Peters stated that Mr. Downey was

correct. However, we wanted to analyze as much information as we could for the rezone application. In this case, there were areas on that parcel that either had no geologically hazardous areas mapped or had a slight hazardous area. He stated that you could build in a "slight" area. Mr. Peters stated that, if staff had been able to do a site specific analysis and decided that the entire parcel was constrained for a host of reasons, it would have influenced staff's recommendation. Jim Hagen stated that could be the case (critical areas constraints) even if the parcel was not rezoned. Just because you had a 20-acre piece of property, using an extreme example, it did not mean you could put a house on it. Mr. Peters stated that, in terms of making the staff recommendation, there were two main constraints on the property. One was the landslide hazard area and the other was the proximity to the commercial forest land.

Phil Flynn stated that the Planning Commission could not draw a line where the subdivision should occur. Bud Schindler expressed a concern about how the parcel would be divided and still take into account the forest buffer. Kyle Alm stated that their proposal was to do a PRRD and cluster, so they could take the buffer into account.

Bud Schindler stated a concern that part of the submission from the applicant included a plan for a septic system in the buffer area, which indicated to him that a house would be within the 250-foot forest buffer area as well, because you typically sited the house near the septic. He did not know if that was meaningful or not. Dennis Schultz stated that no house was built on the property. Josh Peters explained that the county allowed stand-alone septic permits without a building permit.

Peter Downed moved that the Planning Commission recommend rezoning this parcel from RR 1:20 to RR 1:10. Allen Panasuk seconded the motion.

Bill Miller asked about fire access and whether there was any responsibility on the county's part. Mike Whittaker stated that he was a fire commissioner and volunteer in the subject fire district. He explained that anytime someone applied for something, the proposal came across the Fire Chief's desk. He would take a look at the site. If the road access was not suitable for the fire equipment, the Chief would advise the proponent that it was their responsibility. They could either build a suitable road or they were basically on their own.

Bill Miller asked if the motion meant that they could do two units instead of four. It was agreed that was the basic intent of the motion.

The motion carried with six in favor, one opposed, and one abstention (6-1-1).

Bud Schindler explained that he knew one of the neighbors and was acquainted with the personality difficulties in the neighborhood. Therefore, he thought it was unfair to participate in the vote and had abstained.

MLA05-59, Olympic Property Group:

It was pointed out that this subject property was in the Shine area.

Allen Panasuk moved that the Planning Commission recommend approval of the amendment per the staff recommendation. Peter Downey seconded the motion. There being no discussion, the motion carried unanimously (8-0-0).

Jim Hagen stated the understanding that the Planning Commission did not have to make a decision on every one of the applications. If the commissioners did not feel comfortable with one or more, the commission could extend its deliberations to the next meeting. He stated that the commission was not under a time constraint to finish its recommendations at this meeting, nor should the commission feel pressured over matters of this importance.

MLA05-60, Olympic Property Group:

This group of parcels was in the Tala Point area.

Dennis Schultz asked if OPG had said anything about this property when they came up with the MPR (what the future plan for this property was). Josh Peters stated that he could not answer that question. He stated that when the MPR was designated, most of the property around the MPR was left at RR 1:20, ostensibly for future expansion purposes or for a buffer so that you would not have sprawl from a centralized population.

Bud Schindler suggested that the Planning Commission delay this recommendation until it found out if there were any implications related to the MPR. Peter Downey stated that he would like to move to deny the application, although he thought the commission should talk about it more.

Peter Downey moved that the Planning Commission recommend denial of the amendment. Bill Miller seconded the motion.

Allen Panasuk asked about the boundary for the MPR, commenting that he thought it was supposed to have a certain number of lots. Josh Peters responded that there was a boundary and there was a count of a certain number of residential equivalent units [ERUs]. The ERUs related to the number of sewer hookups. So as development occurred in the MPR, the new units were subtracted from that ERU number. Mr. Panasuk asked, therefore, if development in the proposal area would affect the ERUs for the MPR. Mr. Peters stated that the ERU units were only those within the MPR boundary. Outside of the boundary, there was mostly RR 1:20 and then resource lands with some RR 1:5 in a pocket to the north and along the coastal areas.

Allen Panasuk asked for further clarification about the genesis of the MPR boundary, wondering whether the proposal area would affect the MPR facilities. Sue Schroader, OPG, was given the opportunity to explain. Ms. Schroader stated that the ERUs was tied to the sewer capacity for the MPR. Phil Flynn asked if that placed a cap on the number of lots in the MPR. Ms. Schroader replied that essentially it did. Ms. Schroader explained that this Tala Point area property was outside the MPR and would not be served by the MPR sewer facility.

Staff and the commissioners discussed sewer treatment and water service for the proposal area. It was noted that the proposal area was outside of the MPR boundary and would not be served by the MPR services. It was pointed out that, being rural, the proposal area could not be served by a centralized sewage treatment plant; it would need to be onsite sewage disposal, although that may take on the form of a community drainfield. Josh Peters stated that water availability was an issue. He stated that the proponent suggested that a small scale community water system may be an alternative. Water rights would be an issue. He stated that there was some mention, and staff did address it in the staff report, that utilities in general were not a problem

in terms of a community environment like that. He stated that staff did not mean to suggest that they had studied the water situation specifically and determined that water resources would not be an issue. He stated that staff simply did not know. He stated that staff had contacted the Department of Health to find out if water was an issue in that area but had not received an answer back in time for this meeting. He stated that a community water system to the north had more connections than the system had approved. And to the east, the parcels were on individual wells, which were along the coastline. He stated that was neither here nor there with regard to water availability problems for the subject parcels. He stated that staff had provided a map of the Seawater Intrusion Protection Zones [SIPZ] in that area. He stated that what staff did know was that we did not have any identified High Risk SIPZ, stating that the zone was all Coastal SIPZ due to the proximity to the shoreline. He stated that the general message was that staff did not make a determination about water availability, although that did not suggest that there was or was not a problem.

Bill Miller and Mike Whittaker stated a concern about water given the potential number of people (about 400) that could be allowed on those parcels if the amendment was granted.

As an explanation of the process, Jim Hagen stated that the motion was to deny the amendment. If that motion was defeated, it did not mean the amendment was approved. It meant that the debate would continue.

Jim Hagen stated that the established pattern issue was pretty unique in this case because you had large parcels, but you had lots of smaller parcels along the coastline. He stated that there was certainly a very large presence of fairly intense development in the general area.

Peter Downey stated that there was also a large amount of land that was zoned RR 1:20 and there was open space. He thought the character of that area appeared to be very rural. He thought it would be a significant change to a very large area of land. He stated that he had a problem with all of it being RR 1:5.

Mike Whittaker asked if the Planning Commission had the latitude of recommending something different in the zoning, using a combination of zoning. Dennis Schultz questioned whether the commission should get into that level of rezoning recommendations. Peter Downey agreed, stating that he would be reluctant to suggest that he knew what was in the property owner's best interests. Bud Schindler stated that staff had taken the liberty of rezoning some of the parcels based upon the criteria. He thought the commission could do the same thing. Mr. Downey stated that the difference between this proposal and the staff suggestion on MLA05-51 was that the proponent accepted the alternative. He stated that there had not been any suggestion like that in this case. Mr. Schultz stated that the commission could recommend that the proponent bring back another proposal.

The commissioners discussed the number of potential lots and housing units. Jim Hagen stated that the staff report indicated that there would be an additional 47 dwelling units if all four of the amendments were approved. Mr. Hagen stated that he did not look at RR 1:5 as being very intensive use. Bud Schindler stated that, again, he considered the area, stating that there was pressure to develop in that area. He stated that he looked at the number of lots that were already established in that area and questioned whether an additional 37 units really had that much impact.

Peter Downey stated that his concern related to the size of the acreage involved. It related to just doing "cookie cutter" 5-acre parcels. He thought there was an opportunity to do some good planning for that acreage in order to preserve the open space and still have the number of units allowed in the rezone. He wondered what kind of cluster development we could have. If you just rezoned it 1:5, you had lost the opportunity to do some good things.

Jim Hagen stated that he was not sure we had lost the opportunity. He stated that some of these decisions were in the hands of the property owners. He stated that under the GMA, we had to draw lines and say "This is rural" and "This is urban." However, in describing this area as rural, he considered the general area. He stated that the Port Ludlow Village Center was two miles away and there was really intensive development in the area. He stated that we kept coming back to a discussion about areas that were generally characterized by existing development. He stated that we were not talking about urban densities like 4:1; we were talking about one dwelling unit per five acres.

Peter Downed stated that when the commission had talked about the other amendment [MLA05-51], it was talking about 20 acres, whereas this amendment was for 250 acres. He stated the opinion that there was an opportunity there to get a better development rather than just doing 5-acre parcels. Bud Schindler stated that the developer should have their own best interests in mind when deciding how that rezone would be configured. He thought this particular developer [OPG], and given the existing area around Port Ludlow, would put together a very nice development pattern.

Dennis Schultz noted that a lot of the property was on steep slopes. He thought there would be a lot of parcels that would not be buildable if the property owner just did straight 5-acre parcels. He stated that no one had done an analysis of how many of the potential parcels could actually be built upon. Josh Peters stated that correspondence from the applicant's representative had criticized staff for mentioning that there were steep slopes because ostensibly you would deal with that when you got to the development code level. Mr. Peters pointed out, however, that one of the criteria for RR 1:10 and RR 1:20 was the presence of critical areas. He thought the main criteria the legislators used for the county zoning in designating RR 1:20 were that one, plus the fact that they were large parcels, plus the fact that they were a transition to urban growth areas or MPRs.

Allen Panasuk asked about how the developer would go about subdividing the property if the RR 1:5 zoning was approved. He wondered about how the developer would deal with the steep slopes. Josh Peters stated that a geo-technical report would probably be required, although that was a lot of area to do a geo-tech assessment on. It was possible that we could require some limited scale of assessment, and then when it came to individuals buying a property and wanting to build on it, a more thorough assessment would be done. He stated that was a factor that went into the zoning across the county. He stated that there were properties that were difficult to build on, but the fact was that they did exist. Mr. Panasuk stated that should be part of the developer's and buyers due diligence. Bud Schindler stated that, in a situation like that, it would be short minded of the developer to create unbuildable lots. He thought they would do what they could to get "the most bang for their buck".

Dennis Schultz stated that he would like to see the developer develop this property in a very creative way because it would be more profitable for them, rather than just cutting it into 5-acre parcels. Bud Schindler stated that should be up to how the developer wanted to develop it. Josh Peters stated that Mr. Schultz was right that you could have "boxes" in typical 5-acre parcels. But Mr. Schindler was also correct that the developer had the option of doing a PRRD or something similar. He stated that the county had received very few PRRD applications, however.

The question was called for. The motion to deny the amendment failed with three in favor, five opposed, and no abstentions (3-5-0).

Dennis Schultz stated that he would still like to see some kind of development plan, at least a preliminary plan similar to what the commission had received on some other amendment applications. Bud Schindler questioned how much the county could hold a proponent to a development plan they may present at this stage. He stated that they had not had a geo-tech assessment done. Allen Panasuk stated that they would not do it unless they knew they had the zoning.

The commissioners discussed whether the commission could require a PRRD as a condition of the rezone approval. Staff stated that it was possible for the Planning Commission to make that recommendation, noting that such a recommendation had been done in the past. Josh Peters described the possible density bonus for a PRRD, adding that retaining open space was a requirement. Bud Schindler stated that it was an interesting option and wondered whether the commission should educate itself about a PRRD. Dennis Schultz questioned what benefit the proponent would get from using a PRRD.

Allen Panasuk moved that the Planning Commission approve MLA05-60 at RR 1:5 without a PRRD requirement. The motion died for lack of a second.

Peter Downey asked if it was possible at this point in the process to go back to the proponent and ask if a PRRD was an option they were willing to accept. Josh Peters replied that he believed there had been some precedent in the past where an applicant had been involved in the discussion because the commission was considering alternatives. Off the cuff, he did not think it would be out of line for a matter as important as this. He added that it was great when we had a situation where the landowner wanted exactly the same thing the legislative body wanted. However, it did not happen often. He stated that this was a legislative decision that the commission was suggesting may be made.

Dennis Schultz asked staff to provide more information about the implications of a PRRD at the next meeting. Josh Peters responded that staff could make a presentation on PRRDs, or staff could answer specific questions on the subject, or staff could provide a copy of the UDC section on PRRDs. Bud Schindler suggested that the applicant be informed that the Planning Commission was considering the option and would be receiving a presentation, because he thought they would be interested as well. He thought it was in the commission's best interest to examine this option before making a decision.

Dennis Schultz moved that the Planning Commission table this amendment to the next meeting in order to hear a presentation about PRRDs before making a decision. Peter Downey seconded the motion.

Bud Schindler suggested that the applicant be invited to hear the presentation, stating that it could be an education for both the Planning Commission and the applicant. It was an opportunity to make this process a win-win rather than the applicant being surprised.

Mike Whittaker referred to the environmental checklist concerning water availability, which said that it would not be addressed until development occurred. He expressed concern about making a decision without having information on water availability. He thought the commission should have all the resources it could in order to make a good decision. Josh Peters responded that he agreed with Mr. Whittaker that it would be helpful to have as much information as we wanted before making a decision. He stated that he had contacted the Department of Health for their perspective as co-managers of a state resource. He stated that the property was near the coast, so there could be a problem, but there may not be either; we just did not know. He stated that if staff received information before the next meeting, staff would certainly provide it. He stated that when you were doing a subdivision of a certain size, at some point water rights came into play. He stated that the applicant possibly would have to get water rights. He stated that, thirdly, it would be awkward for us to say that, because DOE was proposing certain rules that would limit water in East Jefferson County, we should recommend denial. He stated that staff looked at the designation criteria and decided it did not meet the criteria for a rezone, so staff did not need to consider the water issue.

Bud Schindler stated that he looked at such questions as a challenge for the developer. While he thought the questions were good questions, he thought they were ones that should be answered during the development phase.

Jim Hagen stated the opinion that it was not for the Planning Commission to challenge private property owners about what to do with their property. It was their property and they were asking for a simple rezone. If they chose to do a PRRD, that was their prerogative, but the county should not be telling them how they should do their subdivision. While this discussion had gone into more complex territory, it was his opinion that the commission should not be telling private property owners what they should do with their property.

The question was called for. The motion to table carried with six in favor, two opposed, and no abstentions (6-2-0).

Jim Hagen stated that the commission would begin a new category of amendment. The next two amendments were for a change in zoning from Commercial Forest 1:80 to RR 1:20.

MLA05-38, Hopkins/Barber:

Josh Peters stated that Kyle Alm could provide a summary of the staff's supplemental material presented with the memo.

The Chair suggested that the commission delay consideration of the two forest rezones until the next meeting in order to have time to review the supplemental material. He thought the issues were very complex. He suggested the commission skip ahead to the two requests for rezoning to commercial instead. The commissioners agreed by consensus to do so.

MLA05-53, Widell:

The proposed amendment was for a rezone from Rural Residential to commercial with inclusion in the Glen Cove LAMIRD. Josh Peters summarized the supplemental information staff had provided in the memo. It included a portion of an ordinance dealing with Glen Cove, a letter from the city to the county, and a letter from the county to the city. All dealt with the Glen Cove LAMIRD and were in response to a question about a second inter-local agreement or memorandum of understanding. He stated that, apparently, no second agreement was adopted. The exchange of letters and the ordinance itself answered the question about the Glen Cove boundary. He stated that the discussion on the topic began on Page 8 of the staff memo.

Bud Schindler stated that he would think that the boundaries for LAMIRDs were not sealed in concrete. He thought there should be some process set up for adjusting the boundaries over time as necessary. He thought it was a reasonable thing to do. He stated that this application was a request to adjust the boundary. He asked if there was a process for adjusting the boundary and questioned why we could not adjust the boundary of a LAMIRD. Josh Peters provided information on the history of the LAMIRD issue. He stated that there was nothing in the GMA that said a LAMIRD boundary was a one-time deal, but there was also nothing in the act that said it was a continuous deal. He stated that Hearings Board decisions from the various boards were not consistent on the issue. He stated that we had a decision from the Western Hearings Board that said the Glen Cove boundary was final. We also had an ordinance that said it was the final boundary. We also had an inter-local agreement with the city that said the boundary was final until 2016, but the agreement could be amended if the city and county were amenable. So, there could be a possibility, if the city and county jointly decided to re-open negotiations and re-analyze new information, to reconsider that boundary. He stated that it would always be in the context of the LAMIRD criteria which said that we had to look at the situation as it existed on July 1, 1990. He stated that he knew he had not answered the question "Yes" or "No" because it was a complicated issue. He stated that, basically, we had a local agreement between the city and county that there was agreement on the boundary until 2016. He stated that there was language in the Comp Plan that talked about establishing and designating LAMIRDs in the past tense. So, from the Comp Plan, you could infer that it was essentially done. However, he also did not see that there would not be legislative discretion there. There may be some process by which the county could engage the city about re-evaluating the Glen Cove area, or they may do a different LAMIRD from the current Glen Cove boundary. He explained that there was one external boundary around the Glen Cove area with two zones inside. He stated that the applicant had even mentioned that it could be a different kind of LAMIRD; it did not have to be part of the Glen Cove LAMIRD; it could be some other rural LAMIRD description. Mr. Peters stated that there were lots of factors associated with this application.

Peter Downey stated that there was nothing that said that past legislative action curtailed the powers of the people. So, a past legislative decision could not say that it was final and you could never change it. The legislative body could always change it.

Bud Schindler stated that the ordinance said that the parties had reached a final agreement; it did not say that was the way it would be henceforth. What he heard staff say was that it would be very complicated and time consuming to reopen the process. Kyle Alm read a section from the ordinance

that indicated the boundary was permanent unless the parties agreed to open discussions about a UGA. Phil Flynn stated that the decision had been made that Glen Cove would not be a UGA. Josh Peters stated that the ordinance was adopted during the time when both the Tri Area and Glen Cove areas were being studied for possible UGA status.

Josh Peters stated that it was a complicated application. He noted that a court case had been involved. He stated that staff had made it clear to the applicant in initial discussions and in the staff report that the staff recommendation was based on the fact that we had established the LAMIRD and what the ordinance said. Therefore, staff's recommendation was for denial. However, there was some merit to some of the issues raised by the applicant in terms of that property being part of a LAMIRD, including the commercial access that pre-dated July 1, 1990. He stated that it was ultimately up to legislative discretion in matters like this. Mr. Peters stated that it was also clear that you could not continuously re-evaluate LAMIRDs.

Dennis Schultz stated that the options were to re-open the Glen Cove LAMIRD or create a new LAMIRD. Mike Whittaker stated that it sounded like if the city and county had agreed, it was a "done deal". Peter Downey stated that you could make the argument that the property was grandfathered in because it had a commercial access permit dated well before 1990. Josh Peters stated that you needed to be careful when using the term "grandfathered" because it had a specific legal connotation in this state. He stated that he was not sure how the previous access permit from the state DOT influenced the county's decisions about land use. He stated that it was not as clear cut as the vesting law in the state.

Bud Schindler stated that, if the Planning Commission agreed to this application, it would be up to the BOCC to decide if it wanted to try to re-open the issue with the city.

Bud Schindler moved that the Planning Commission recommend approving the application. Peter Downey seconded the motion. There being no further discussion, the motion carried with seven in favor, none opposed, and one abstention (7-0-1).

MLA05-70, Pepper:

The application was for a rezone from Rural Residential to commercial for inclusion in the Four Corners LAMIRD. Josh Peters stated that the question was raised at the public hearing about water being available on the property and the circumstances being the same as another rezone (in Chimacum). Mr. Peters pointed out that staff discussed the issue beginning on Page 9 of the supplemental memo. He stated that the circumstances were not the same. He stated that the difference was that in the Chimacum area, there was a commercial water tap on the property. The Pepper property did not have a water tap on it. There was a water line running by the property and there was the potential to serve the property.

In answer to Dennis Schultz's question, Josh Peters explained that all of our rural commercial districts were considered LAMIRDs.

Jim Hagen asked if the water tap issue was another pre-1990 issue. Josh Peters replied that it was.

Josh Peters addressed the relationship between this application and Jefferson Transit. He read a portion of a letter from Ms. Pepper's attorney who said that a use by Jefferson Transit would be much more intense than any commercial use Ms. Pepper might develop and should not be grounds for denial of the application. Mr. Peters stated that was not the reason staff recommended denial; it was not because commercial uses would be inconsistent with surrounding properties. He stated that the general checklist indicated that there would not be any identifiable significant impacts related to commercial uses at that particular corner as opposed to surrounding properties. It was specifically about the LAMIRD criteria. It was about the application of the criteria in the GMA which was incorporated into our Comp Plan. It was not about any perceived or identified or analyzed impacts that could happen if the property was zoned commercial because there could be many uses there, not just a transit. You could do any of the uses listed for a Neighborhood Crossroads zone. He stated that staff recommended denial simply because they did not think it met the criteria for inclusion in the LAMIRD. That was the same analysis staff had found in 2002.

Bud Schindler asked if the fact that this property did not have a tap and the other property did have a tap was the rationale for denial. He also asked why water being available to serve the property (the water line running by the property) was not enough to meet the infrastructure criterion for a LAMIRD. Dennis Schultz pointed out that there was a difference between a commercial water tap and a residential tap. Josh Peters stated that there was case law about built environment including underground infrastructure. That was one factor in the Glen Cove boundary analysis, although not the only factor. He stated that it had become clear in this county's application of the built environment criterion that having actual commercial water service available and the infrastructure in place was different than having water lines running by in the street that was serving both residential and commercial property.

Jim Hagen stated that the contention had been made that the property was zoned commercial in the past, after adoption of the GMA, and that it was down zoned. Josh Peters responded that he did not know, but added that it was not important to staff in any case because that (past commercial zoning) was not a criterion for designation. It was not part of the LAMIRD criteria from the statute. What was important was what was on the ground on July 1, 1990, or whether it was part of a larger area that was a LAMIRD (a logical outer boundary with limited infill). He stated that according to staff's analysis, which had been done more than once now, nothing had changed the conclusion reached in 2002. Again, that did not mean the Planning Commission could not come up with another conclusion, although it would have to be backed up with findings. Mr. Peters stated that, if the property was used for a transit facility, it would require a conditional use permit. Phil Flynn stated that, rezone or not, the transit could put their facility there under the conditional use permit process.

Jim Hagen stated that staff had determined that the Pepper property was not within the logical outer boundary. Josh Peters agreed. Mr. Hagen asked about the basis of the characteristics of existing development. Mr. Peters stated that staff pulled the 2002 file, looked at the evaluation that occurred then, and investigated to see if there was any new information. In fact, there was a suggestion about new information concerning a commercial water tap or some other kind of infrastructure. Upon further investigation, staff found that there was not a tap. There was just a water line running by the property, which was the same characteristic for many properties in the

county. He stated that the Planning Commission could disagree. It was at a corner. The commission could make an argument that it was part of an outer boundary, although staff thought it was a weak argument in 2002 and still thought so. Of course, if the legislative body decided to grant the rezone, it would be staff's job to defend it.

Bud Schindler stated that this was a crossroads but yet not all four corners on that crossroads were part of the LAMIRD. The secretary pointed out that we had that situation in other places in the county. Josh Peters stated that, if that was the commission's perspective and it wanted to make that a finding, it would be a finding that staff would be tasked with defending and staff would do their best. He stated that when the county adopted the zoning in 1998 and when it was reconsidered in 2002, the decision was to not include that parcel as part of a logical outer boundary. He stated that staff felt no reason to recommend anything different now. While that was staff's recommendation, the Planning Commission could recommend something different.

Mike Whittaker moved that the Planning Commission recommend approval of the MLA05-70 request by the applicant for the rezone. Peter Downey seconded the motion.

Bud Schindler asked if the motion should include wording about adjusting the outer boundary of the LAMIRD. Dennis Schultz stated that if the motion was approved, the LAMIRD would automatically be adjusted. Josh Peters stated that it meant that the property would be included in the LAMIRD.

There being no further discussion, the motion carried with seven in favor, one opposed, and no abstentions (7-1-0).

MLA05-06, McDiehl LLC:

The application was to rezone a residential parcel for inclusion in the Village Center in Port Ludlow.

Allen Panasuk moved that the Planning Commission recommend approval of MLA05-06. Dennis Schultz seconded the motion.

Phil Flynn suggested that the Planning Commission require the access to be from the side street rather than from the main road (Oak Bay Road). Kyle Alm stated that Public Works had said not to condition it in that way. They preferred to review it when a development proposal came in. Specific uses generated different amounts of traffic and it may or may not be acceptable, depending on the use. Also, there was some question about whether the open space easement was on the Osprey Ridge side of the property and whether or not an easement could be granted. He stated that it was something that should be considered with a development proposal.

There being no further discussion, the motion carried unanimously (8-0-0).

MLA05-66, Jefferson County:

The suggested amendment would address some housekeeping issues.

Bud Schindler moved that the Planning Commission accept the application as presented. Phil Flynn seconded the motion which carried unanimously (8-0-0).

Given the hour, the commissioners agreed to put off the remainder of their deliberations to the next meeting.

C. ADJOURNMENT

The Chair invited public comments.

Kevin Widell, Port Townsend, stated that the Planning Commission had voted on his Comp Plan amendment tonight. He stated that any way to push this forward to make the county and city talk about it would provide something good if they could come to an agreement. He stated that the Glen Cove area was bound by the city and the county; it was kind of a big in-between area that it seemed like no one wanted to agree on. If that could not be done for future growth in this county, the other option was to look at the parcel as a stand-alone LAMIRD. He stated that there was a question whether it could be a (d)iii LAMIRD on its own under the GMA and Hearings Board decisions. He thought that was another option for the parcel. He thanked the Planning Commission for pushing it down the process track.

Gloria Bram stated that she came to the meeting because she was interested in the process and because she was interested in the Pepper application. She stated that she was aware that Jefferson Transit had chosen that site for their new facility. One of the criteria for their choice was the price of the property. She stated that the price of the property was low because it was not zoned commercial. She stated that there were two other sites some people thought were much more appropriate for Jefferson Transit. She thanked the Planning Commission for giving Ms. Pepper the opportunity to realize a commercial profit from her property. She stated that she lived in that area. She worked on one side of the airport and lived on the other, so anything that happened at the intersection of Four Corners Road and Highway 20 was of great concern. She stated that she had been trying to get some traffic mitigation in that area for over a year. Again, she thanked the Planning Commission for giving Ms. Pepper this zoning because she felt she deserved it.

The meeting was adjourned at 9:37 p.m.

D. APPROVAL OF MINUTES

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

_____ _____

Jim Hagen, Chair Cheryl Halvorson, Secretary