

**JEFFERSON COUNTY PLANNING COMMISSION**

**MINUTES FOR OCTOBER 19, 2005**

- A. OPENING BUSINESS**
- B. PLANNING COMMISSION REPORT/RECOMMENDATIONS ON 2005 COMPREHENSIVE  
PLAN AMENDMENT FINAL DOCKET**
- C. DELIBERATIONS/RECOMMENDATIONS ON OMNIBUS PACKAGE OF UDC AMENDMENTS**
- 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 Allen Panasuk, Bud Schindler, Phil Flynn, Bill Miller, Edel Sokol, and Peter Downey. Dennis Schultz and Mike Whittaker were excused.

DCD staff present were Kyle Alm, Brent Butler, and Cheryl Halvorson, secretary.

There were about four members of the public present. Those who signed the guest list were Dan Titterness and Greg and Marcey Mika.

The minutes for October 5, 2005, were reviewed. A few questions were asked and clarifications were provided by staff. No revisions were offered and the minutes were approved as submitted.

Kyle Alm introduced Brent Butler, the new LRP planner. Mr. Butler provided a synopsis of his education and experience.

Kyle Alm reported that a sewer consultant had been selected. He stated that contract negotiations were now under way.

Peter Downey asked if the county had selected the shorelines consultant. Kyle Alm replied that one had not been selected, although interviews were being conducted.

Allen Panasuk raised the issue of the Planning Commission's request for cost information relating to the GMA. He stated that the County Administrator had provided him with a chart on the costs beginning with 1990. He requested that the secretary distribute copies of the chart to the commissioners. He also commented that he would like to see the cost information updated periodically. Mr. Panasuk offered his thanks to John Fischbach for compiling the information. He offered the opinion that there had been a lot of taxpayer money spent on the GMA.

Bud Schindler raised the issue of the WRIA 17 planning issue, offering the opinion that it should be formally assigned as a Planning Commission issue. He asked if staff had any update information on the WRIA 17 status. Kyle Alm reported that the BOCC had met on October 17 about policy adoption. He stated that the general gist of the policy was that the county wanted better information to inform the county's decisions. He did not know if the BOCC had adopted a formal policy. He acknowledged that the WRIA issue had been a public relations problem for some time.

Edel Sokol moved that the Planning Commission appoint someone from the commission to the WRIA 17 planning unit, with the permission of the BOCC. Peter Downey seconded the motion.

Phil Flynn read a proposal on the issue. He proposed that the Chair of the Planning Commission make a formal request of the BOCC that the BOCC suggest to the WRIA 17 Planning Unit that they accept a member of the Jefferson County Planning Commission to serve on the planning unit as a voting member. Then, if the request was granted, the Chair would appoint a Planning Commission member to serve. He stated that he knew of no other WRIA that did not have a planning commission member on its planning unit.

The commissioners discussed the proper procedure for the issue. Staff suggested that the Planning Commission write a letter to the BOCC requesting that the Planning Commission be formally assigned the WRIA issue and that the Planning Commission be allowed to appoint a representative to the planning unit. Bud Schindler asked if it was within the Planning Commission's purview to just appoint someone to the WRIA issue and the planning unit. It was staff's opinion that the WRIA issue was outside of the normal Planning Commission agenda under the Planning Enabling Act. Generally, for the Planning Commission to take on such outside topics the BOCC would assign an issue or the Planning Commission would request to become involved in an issue. Staff suggested that the Planning Commission could couch its request to the BOCC in the fact that the watershed planning issue would eventually become a topic for the Comp Plan amendment cycle as a land use planning issue. Peter Downey stated that, even stronger than that, from a policy point of view, it should be a Comp Plan, growth management issue rather than a watershed planning issue because, essentially, the way it was now was the "tail wagging the dog" instead of the other way around.

Bud Schindler suggested that, rather than appointing one individual as a representative on the planning unit, the commission appoint a committee on WRIA 17 and that a member of the committee be the representative. In that way, if one committee member could not attend a planning unit meeting, another member could attend as an alternate. Phil Flynn commented that all the members of the WRIA planning unit included a member and an alternate. Jim Hagen offered the opinion that the commission was getting ahead of itself. He suggested the commission address the motion on the floor and then address the logistics.

Edel Sokol suggested changing her motion to say that the Planning Commission appoint a committee to the WRIA 17 planning unit. Jim Hagen suggested that there should be some language in the motion about drafting a letter to the BOCC. Bud Schindler pointed out that there were other WRIAs in the county as well, particularly noting the one that encompassed the South County. He thought the motion should encompass the whole water resource planning issue rather than just WRIA 17, although he acknowledged that WRIA 17 affected a major portion of the East County.

Edel Sokol withdrew her motion.

Phil Flynn moved that the Chair of the Planning Commission make a formal request of the BOCC that the BOCC suggest to the WRIA planning units that they accept a member of the Jefferson County Planning Commission to serve on the planning unit as a voting member. If the request was granted, then the Chair of the Planning Commission would appoint a member(s) to serve. Allen Panasuk seconded the motion.

Phil Flynn reiterated that he knew of no other WRIA that did not have a planning commission member on its planning unit. The commissioners agreed that the motion should include all WRIA planning units for the county. It was noted that there were at least two planning units on the West End of the county. Peter Downey offered the opinion that anything that came out of the West End planning would not change the Comp Plan much. Bud Schindler stated that it would be up to the Planning Commission to determine if there was an issue in the West End that merited investigation. If so, the Planning Commission could investigate it formally rather than only working with WRIA 17.

The motion carried unanimously.

Edel Sokol asked where the authority for the WRIA planning units came from. Kyle Alm replied that it was in the RCW. Ms. Sokol asked about the selection process. Mr. Alm replied that he did not know, although the tribes, the county, the PUD, environmental groups, and other entities were selected.

The Chair invited committee reports.

Bud Schindler stated that the UDC Committee had not met recently. He noted that Mike Whittaker had sent an email concerning buffers for mineral resource lands. Mr. Whittaker had suggested some specific wording. Mr. Schindler asked whether the Planning Commission could take up the issue as part of the UDC Omnibus review or whether it should be forwarded to the BOCC for consideration. Mr. Schindler stated that the suggested language had not been discussed by the committee, so he was concerned about the process at this stage in the timeline.

Peter Downey was concerned about the suggested wording for how to describe a buffer. He stated that, typically, a buffer was not a parcel.

The commissioners and staff discussed the mineral lands buffers. Kyle Alm explained about mineral lands overlays. He stated that most mining operations took place within commercial forest, so there was a buffer associated with it. Mr. Alm offered the opinion that the Planning Commission could take up the suggestion and forward a recommendation on it to the BOCC. He thought the public notices on the UDC Omnibus were sufficiently broad to encompass just about anything. It was pointed out that Mr. Whittaker's email was not the first time the mineral lands issue had been raised during the Omnibus process. Mr. Alm stated that staff had also suggested some amendments to the mineral extraction section as well. Mr. Alm offered the opinion that the suggested wording was a departure from the way the county had been regulating such activities in that the objective was to protect the resource and not the residences that may be located nearby.

Jim Hagen stated that the point was that it was not too late for the commission to take up the issue, adding that the ultimate recommendation may or may not be similar to Mr. Whittaker's suggestion. Peter Downey again expressed concern about the wording. He stated that the 250-foot buffer for forest lands seemed appropriate for mineral lands as well. He thought the forest lands buffer was not just for the protection of the forestry activities; it was also for the protection of the adjacent land uses. Mr. Hagen agreed that the buffers were intended to protect the resource from incompatible adjacent uses under the statute.

The commissioners and staff discussed examples of mineral resource lands in the county that were not on forest lands. At issue was noise from mining activities. The commissioners and staff agreed that the suggestion was appropriate for Planning Commission discussion under the Omnibus.

The Chair invited public comments. There were none received.

**B. PLANNING COMMISSION REPORT/RECOMMENDATIONS ON 2005 COMPREHENSIVE PLAN AMENDMENT FINAL DOCKET**

A new draft of the Planning Commission report to the BOCC was handed out. The commissioners reviewed that draft after the secretary explained the

changes, primarily additions, made. They began at Finding #20, which was the location where the commission's specific findings on individual amendments began.

Bill Miller stated that he had written four minority reports with dissenting opinions on MLA05-38, 39, 60 and 61. He stated that Peter Downey and he would sign those minority reports, although Bud Schindler and Dennis Schultz had also opposed two of the Planning Commission's majority recommendations (one each).

The commissioners discussed the process for minority reports.

Referring to the Planning Commission majority report, Edel Sokol suggested that a clarification be added in two places. The addition was "Trottier addendum dated September 27, 1999" at "ix" under MLA05-53 [Page 9] and at "x" under MLA05-70 [Page 11]. The commissioners accepted the amendment by consensus.

Bud Schindler moved that the Planning Commission accept the revised draft Planning Commission report as amended. Allen Panasuk seconded the motion.

Kyle Alm stated that a proposed finding concerning the Comp Plan stating that we had a lack of buildable parcels in the county had not been included in the draft findings because staff could not find such a reference in the Comp Plan. Mr. Alm stated that there was a reference to a parcel count by planning area done in 1998 which was updated. However, there was nothing that indicated a buildable lot shortage, particularly for 5-acre parcels. He stated that the Housing Element discussed housing affordability and things that affected prices, but there was nothing that identified that we had a shortage of lots. Bill Miller pointed out a statement on Page 3-8 of the Comp Plan: "The conclusion from the data represented in Table 3-3 is that Jefferson County has no shortage of existing developable lots and parcels. The supply of buildable lots exceeds the demand for the lots based upon the 20-year population growth projection." The commissioners dropped the issue.

The motion carried unanimously.

#### **C. DELIBERATIONS/RECOMMENDATIONS ON OMNIBUS PACKAGE OF UDC AMENDMENTS**

Staff handed out two revised pages. One was related to the sign code and the political sign exemption. The other was in response to public comments received about allowing a caretaker residence in industrial/commercial zoned lands. Kyle Alm explained that the caretaker provisions were intended more for public parks and was a conditional use process. He thought the ADU provisions were a more appropriate vehicle for accomplishing the purpose. The commissioners and staff discussed the ADU provisions, with Mr. Alm stating that the same provisions would apply for both residential zones and the industrial/commercial zones, including the size limitation of 1250 square feet. The commissioners and staff discussed how the size limitation came about. Mr. Alm stated that, for the industrial zone purposes, the 1250 square feet would be the limitation for livable space, which would be separate from the bulk and dimensional requirements for the business.

Bud Schindler and Edel Sokol raised an issue about the definition for "Impervious surface". They suggested revising the definition consistent with a suggestion from a written public comment received stating "the methodologies utilized in the Puget Sound Water Quality Action Team's Manual

for Low Impact Development Manual for Driveways, Walks and Patios shall be considered pervious surface where applied". Ms. Sokol suggested that the person who raised the issue, who was in the audience, could explain it further.

Dan Titterness explained that the purpose was to explain how we described "impervious surface" and how to allow the Puget Sound Water Quality Action Team's recommendations to be utilized. He stated that it was simply a clarification that suggested that where the Action Team's recommendations were applied, it would be considered a pervious surface. He stated that it was something DOE had done, similar to referencing the Stormwater Manual. It would clarify what would be considered pervious.

Bud Schindler moved that the Planning Commission recommend adopting that change in the definition for "Impervious surface" on Page 19 as recommended. Edel Sokol seconded the motion.

Peter Downey suggested that it would be better to say that those surfaces that met the Puget Sound Action Team recommendation were not impervious surfaces, instead of pervious surface, because this was the definition for "impervious surface". Bill Miller suggested that it would be better to include the reference with the "pervious surface" definition instead. Kyle Alm stated that the definition for "Pervious surface" simply said "A surface that absorbs water", which was pretty broad. He stated that the county was working on incorporating the low impact development techniques into the UDC. Mr. Downey stated that, from a code point of view, it was not written as a design standard. He stated that you could not know right off from the Puget Sound Action Team's manual whether something was a pervious surface or whether it was not; it was not at that level of scientific basis.

Because staff was confused about exactly what the motion wanted, it was suggested that the Planning Commission provide exact wording for the definitions and the location of that wording. Bud Schindler withdrew the motion, suggesting that the commission work on it further.

Jim Hagen stated that the Planning Commission did not have to adopt a motion at this meeting about the Omnibus; the commission could take more time. He thought it would take at least one more meeting, and possibly two meetings, because it appeared the commission had some substantial issues to discuss. The commissioners and staff discussed the timeline for the Omnibus.

Jim Hagen stated that he thought the suggestion was basically what the comment letter had suggested. Peter Downey stated that he supported going towards low impact development. However, the county should be very careful about what was adopted into the code because it should be enforceable. If it was not enforceable and understood, we would end up with whatever people decided to do. While the intentions might be good, it may not end up that way in practice. Mr. Downey stated that he would like to have a chance to look at the Action Team's manual. Kyle Alm stated that right now the definition for "Pervious surface" was very general. He thought that, if we were going to add something referencing another lengthy manual, it may be more complicated to the applicant. He thought it would be more straightforward to leave the definition like it was.

Bud Schindler suggested that the commission ask staff to review the issue and bring back a recommendation. Staff agreed to do so.

The commissioners and staff returned to the ADU issue. Jim Hagen asked about increasing the size of an allowed ADU, suggesting possibly 1500 square feet. Kyle Alm stated that the maximum size would run up against the requirements that an ADU be clearly secondary and supportive of and compatible with the primary use. He stated that the size limitation was adopted to assure those requirements. The commissioners agreed to think about the issue and what was really necessary in the industrial zones for the security of the businesses.

It was pointed out that the Use Table would also need to be changed so that an ADU would be a "Yes" use in the LI or LI/C zones. Jim Hagen commented that it may be appropriate to have different standards for ADUs in the residential zones and in the industrial zones.

Before taking a break, the Chair invited public comments.

Dan Titterness stated that he thought staff's draft was very good and addressed the ADU issue well. He stated that he thought the 1250 square feet was adequate. The only issue he would raise was that anyone who had an ADU residence within their industrial building would probably use some of that residential space for their business office. So, we would have to recognize what portions of which were business and which were residential out of that 1250 square feet. Kyle Alm stated that would be a commercial use and was handled under a different section of the code.

Greg Mika, a business owner in Glen Cove, stated that the only other thing he would like to see considered was the intent of what the light industrial park was intended to be. He stated that, conceivably, there could be a 1250 square foot residence per lot. He stated that the lots in Glen Cove were fairly small. He thought the commission should consider how to limit the number of ADU residences. He stated that, personally, he did not want to see a lot of residential use in that area. He stated that Glen Cove was set aside for industrial and commercial uses; to bring such uses into this area. He stated that he preferred to see it stay that way. So, we should be careful when talking about 1250 square feet per lot. He stated that he wanted to address the issue of security for the businesses. He stated that anything that would cause the area to become strictly residential was not wanted. He described the vandalism they had experienced. He stated that the ADU suggestion was really to address the vandalism and security issue so that businesses could expand and/or start up. He thought a 1250 square foot ADU was plenty big because they did not want to see a 1500 square foot residence along with a 10,000 square foot business.

Kyle Alm stated that was why the suggested language would prohibit an ADU being placed on a vacant parcel. Mr. Alm stated that another thing that should be considered and addressed was a situation where an industrial building was associated with two lots and an ADU was built. The owner could do a boundary line adjustment, divide it, and sell off the ADU.

Greg Mika stated that they wanted us to take a longer view, stating that their businesses needed to be protected.

Dan Titterness stated that the purpose of an ADU would be to have someone there to manage and maintain the property and for security. He thanked the Planning Commission for their work and consideration.

After the break, the commissioners and staff discussed how to proceed.

Jim Hagen raised the concern raised by Barbara Fisk concerning the auto repair business. He offered the opinion that her particular problem was not really an issue with the provisions in the code, but was a code enforcement issue. He thought the code specified mitigations for such a business that would address most of Ms. Fisk's concerns, although he acknowledged that Ms. Fisk did not want such a use to be allowed in the rural residential districts. Kyle Alm described the proposed performance standards.

Allen Panasuk stated that it sounded like Ms. Fisk had complained to many people in the county and it seemed that the Planning Commission was the only entity to listen to her. He asked if this situation was an aberration or if the county was dealing with the enforcement issue. Kyle Alm responded that it was not so much that it was an enforcement problem; it was also a resource problem. He stated that we had one code enforcement officer and had been very busy with things that were a higher priority. Mr. Alm reported that the county enforcement officer had visited the site and thought the business was being "pretty tidy". The commissioners and staff discussed the particular business. Mr. Alm stated that we did not know whether the business was following DOE requirements for waste disposal. Peter Downey suggested that a better approach was to make it an allowed use and put restrictions on the business, which would provide enforcement opportunities. Edel Sokol stated that, clearly, the business was a "No" use currently. Jim Hagen stated that many of the environmental issues were addressed in the UDC under the DOE requirements.

Bud Schindler stated that there were a lot of violations in the South County, particularly un-permitted buildings. He stated that he had contacted the enforcement officer, stating that he knew she was busy. He thought the South County violations were out-prioritized by other things.

The commissioners and staff began reviewing the definitions. Bud Schindler stated that the Omnibus package was the result of what the committee and staff drafted as a team and recommended to the full Planning Commission. He stated that they were looking for an endorsement for the entire package from the Planning Commission. He stated that everyone should have reviewed the package and had a list of questions by now, if they had any. Hearing no questions, he suggested just making a motion to accept the package.

Bud Schindler moved that the Planning Commission accept the proposed amendments to the UDC Omnibus, except those raised at this meeting concerning ADUs in the LI and LI/C district and the Puget Sound Action Team issue regarding impervious surface. Edel Sokol seconded the motion.

Kyle Alm stated that another issue to consider, relating to the ADU issue, was the BLA issue and a policy not allowing separating off an ADU through the BLA process. It would apply to the Glen Cove district.

Jim Hagen stated that Mr. Schindler's motion basically acknowledged that the committee and staff had spent a lot of time on the draft and it was really close to completion and a recommendation on the "meat" of the whole thing. He stated that he did not know that the Planning Commission had to do that at this meeting. He suggested that the commissioners come back at the next meeting prepared to address the ADU issue and the impervious surface issue. Then the commission could make a recommendation on the whole draft. That would also give the commissioners time to consider whether there were other issues to discuss. He did not think there was a lot to be gained until the commission addressed the new issues.

Bud Schindler added that it was the responsibility of the Planning Commissioners to review the whole draft and see if there was anything that did not "fit their palate". He withdrew the motion.

Kyle Alm suggested that the commissioners submit comments and/or questions to staff prior to the next meeting so that staff could address them during the meeting. Jim Hagen thought it sounded like the Planning Commission could finish its recommendation on the Omnibus at the next meeting.

**D. ADJOURNMENT**

The agenda for the next meeting was discussed. The commission will continue its review and recommendation on the Omnibus. Kyle Alm suggested that there were a few sections that probably should receive more attention and review: (1) the PRRD provisions [Page 75 of Land Use Districts], (2) forest practices at 18.20.160, and (3) mineral extraction at 18.20.240. He stated that those represented the more substantive changes. He stated that there was also the BLA issue as it related to ADUs and their primary use (18.35.060). He stated that he would draft some language. Mr. Alm offered the opinion that there were not many changes that were substantive or controversial.

The meeting was adjourned at 8:58 p.m.

**E. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_\_ day of November, 2005.

\_\_\_\_\_  
Jim Hagen, Chair

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Cheryl Halvorson, Secretary