

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR NOVEMBER 2, 2005

- A. OPENING BUSINESS
- B. DELIBERATIONS/RECOMMENDATIONS TO BOCC ON OMNIBUS PACKAGE OF UDC AMENDMENTS
- C. ADJOURNMENT

A. OPENING BUSINESS

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

DCD staff present were Kyle Alm, Brent Butler, and Cheryl Halvorson, secretary. Greg Ballard, DCD Development Review Division, was also present.

There were two members of the public present. Only one, Blane Smith, signed the guest list.

The commissioners reviewed the minutes for October 19, 2005. Bill Miller requested a correction on Page 5 concerning the minority votes on the Comp Plan amendments. The minutes were approved as amended.

The Chair invited staff reports. Kyle Alm reported that staff was still going through the selection process for the Shoreline Master Program update.

Jim Hagen asked if the engineering firm had been selected for the UGA sewer project. Kyle Alm replied that he believed Tetra Tech had been selected but could not say for certain. He stated that Public Works was in charge of that project. Phil Flynn suggested that, once a consultant was selected and under contract, the Planning Commission participate and help in any way possible with the sewer planning project.

The Chair invited committee reports. Bud Schindler stated that the UDC Committee had not met.

Bud Schindler asked about the status of the Planning Commission's request to the BOCC concerning Planning Commission participation in the WRIA process. Jim Hagen responded that the BOCC had not responded to the commission's request yet. He stated that he had submitted a formal letter to the Planning Unit steering committee requesting representation along with responses to their questionnaire. He stated that he hoped it would be on the agenda for the November 8 steering committee meeting. Mr. Schindler expressed concern that the Planning Commission was getting the "cart before the horse" in taking up the WRIA issue without having a mandate from the BOCC.

Edel Sokol asked about the RCW that mandated the WRIAs, stating that she could not find anything under the GMA statute. Kyle Alm replied that it was not under the GMA; he thought it was under the water code at RCW 90. Ms. Sokol stated that she would like to see how the WRIAs were set up.

Bud Schindler wondered about the timing of the BOCC taking up the issue of Planning Commission representation on the Planning Unit. Cheryl Halvorson responded that the Planning Commission letter of request had been provided to the BOCC on October 24. They did not meet on October 31 because it was a fifth Monday, so no action could be taken by the BOCC until at least November 7.

Jim Hagen asked whether it was possible for the Planning Commission to apply for membership in the Planning Unit directly without the BOCC's direction. Dennis Schultz stated that the Planning Unit, at their last meeting, had indicated that they would be open to adding other members to the Planning Unit.

Jim Hagen stated that he and a couple of other commissioners had attended the last Planning Unit meeting. He stated that Commissioner Sullivan had handed him a list of the questions for participation on the Planning Unit. He stated that he had submitted the application to the steering committee, although that may have been premature.

It was agreed that Jim Hagen should contact the Chair of the BOCC to ask that the BOCC take up the Planning Commission's request. The commissioners discussed whether the Planning Commission should have a representative on all of the planning units in the county, not just WRIA 17.

Phil Flynn commented that Dennis Schultz should apply to the Planning Unit as a small farmer because there was no representation from that segment of the county. He stated that Al Latham of the Conservation District had taken the representation spot for the larger farmers. The commissioners discussed the membership of the WRIA 17 Planning Unit committee and the fact that there was no representation for the general public at large. There was concern that the Planning Unit was taken over by special interest groups and the general populous had no representation. Therefore, the Planning Unit could turn the plan against the will of the people.

Mike Whittaker asked whether the Planning Commission should consider forming a committee on the WRIA issue on the assumption that the BOCC would direct the Planning Commission to participate. Jim Hagen suggested that the Planning Commission discuss that issue towards the end of the meeting, after completing the Omnibus. He thought the commission should examine its agenda for the rest of the year.

The Chair opened the meeting to public comments.

Blane Smith, Discovery Bay, stated that he owned the train business at Discovery Bay. He asked if the BOCC attended the Planning Commission meetings. Jim Hagen replied that they typically did not attend the Planning Commission meetings unless there was a special joint workshop.

Blane Smith stated that he was trying to get his property zoning at the train changed from residential to commercial. Jim Hagen suggested that Mr. Smith speak with staff about that process. He stated that the Planning Commission had just completed the Comp Plan amendment process for 2005 and would not take up new amendments until early 2006.

Blane Smith stated that he could not have a sanican because it was against the county's rules. He stated that there were no public bathrooms along Highway 101, yet there was a demand. He stated that he was a Discovery Bay resident and business owner and that Discovery Bay was treated like second class citizens. He stated that it appeared that under the GMA, there could be no new businesses at Discovery Bay, yet he thought there would be a demand in the future.

Blane Smith stated that, because his business was a grandfathered use rather than a commercial zone, he could not expand or do different things with his business. He described some of the ideas he had for his business, including an espresso stand, but the county required him to go through a lot of hoops. Another issue he saw coming was when the trail came through the Discovery Bay area, stating that there were no bathroom facilities for the trail users. He thought there could be times when there could be 500 bicyclists coming

through the trail. He described the human waste that was found behind the store because there were no public bathrooms.

Jim Hagen stated that it sounded like Mr. Smith had a lot of issues to talk about. He suggested that Mr. Smith discuss them with staff. Mr. Hagen referred to Mr. Smith's comments about an espresso stand. He stated that the Planning Commission was recommending changes to the development code to allow the espresso stand use.

Blane Smith stated that he wanted to learn as much as he could, stating that he had taken a class for new business owners. He described the comments of the EDC Director who indicated that Jefferson County was very open to new businesses. Mr. Smith stated that was not his experience. He stated that he wanted to get some rights for Discovery Bay. He stated that there were a lot of people who lived in Discovery Bay but they were not allowed to have business to support them.

Frank Kelly, Port Ludlow, stated that he had submitted written comments on the Omnibus. He stated that he had some questions of staff and asked if he could ask them, acknowledging that the comment period had closed. He was concerned about the mineral lands rules. One of the changes related to an increase in the impacts, or change in use, of a mining operation. In the past, a conditional use permit had been required. The Omnibus proposed to change it so that a Type III would only be required if staff made a determination of significance. He described a situation regarding the Mats Mats quarry where they wanted to increase the size of their rock crusher. The county informed them that they would have to go through a conditional use process that would include a noise study. They withdrew their application. His question was whether there would always be a case where a SEPA trigger would be invoked. He stated that the Omnibus appeared to now allow several changes to mining configurations that would have palpable offsite impacts, but there was no SEPA process to be triggered. For instance, if they wanted to change their hours of operations or change the location or size of their crusher, he asked what the trigger would be for such an application for a determination of significance.

Greg Ballard stated that he was a planner with DCD and had come to the meeting to listen. He stated that he dealt with the mining permits and could answer Mr. Kelly's questions if the Planning Commission wished.

Jim Hagen explained that the comment period on the Omnibus to the Planning Commission had closed. He suggested that the best avenue for Mr. Kelly was to make his comments and raise his questions to the BOCC. Frank Kelly stated that he had raised the issue in his written comments to the Planning Commission, so they were on record. He stated that he certainly wanted an answer to that question. Phil Flynn suggested that Mr. Kelly watch for the Omnibus issue on the BOCC's future agenda.

Blane Smith stated that Randy Okerman on Beaver Valley had told him that his property had not been zoned agriculture as requested in 2004 because his application had been mis-filed. He asked if Mr. Okerman's property had been rezoned. Kyle Alm replied that Mr. Okerman's property zoning had been corrected during the 2005 Comp Plan amendment process, along with several other zoning anomalies.

B. DELIBERATIONS/RECOMMENDATIONS TO BOCC ON OMNIBUS PACKAGE OF UDC AMENDMENTS

The Planning Commission took up the issue of caretaker residences in Glen Cove. Edel Sokol stated that, given the time and effort that went into the zoning for Glen Cove and the purpose for Glen Cove, she was concerned about taking up the industrial land with residential uses. She thought any accessory use that was allowed should be attached to the commercial building somehow, either on the side or above. Kyle Alm stated that there was a building code requirement for a 3-hour burn separation when you had a mixed use building. He stated that one thing the Planning Commission could consider was a limit on the square footage of the ADU, reducing the size from the currently allowed 1250 square feet, which was the maximum in the residential zones. Ms. Sokol stated that we should be very careful about allowing ADUs in the industrial zone. Mr. Alm stated that there was also a square footage limitation in Glen Cove on the industrial buildings, so you may not want to take up that industrial space with an ADU. Ms. Sokol stated that the prime concern should be protecting the industrial zoning. She was concerned that, in the future, the residential users would complain about the industrial uses, which would create a whole use conflict issue.

The commissioners and staff discussed types of ADUs that may be utilized in Glen Cove. Phil Flynn stated that we would not want to hamstring the owner of the industrial property. He was concerned that we not regulate ourselves to death.

Dennis Schultz commented that it may not be desirable to build a residential unit attached to the industrial building because of the nature of the industrial use.

Jim Hagen stated that one thing that came up was the possibility of limiting the size of the ADU. Brent Butler stated that some jurisdictions placed a percentage ratio limit of the commercial building as the ADU size with a maximum cap. Bud Schindler suggested that limiting the size of the ADU to a ratio of the building size may be appropriate given the sizes of some properties in Glen Cove.

Dennis Schultz stated that the building size limitation in Glen Cove was pretty small. Kyle Alm responded that the building size limitation was 10,000 square feet, with a possible 20,000 square feet under a conditional use permit.

Mike Whittaker pointed out that Seattle allowed a loft for a residential use over an artist's gallery. He thought there were a couple of benefits to that. One was security and the other was for a fire watch. Dennis Schultz stated that there was a difference between living in a loft above an artist's studio and a loft above an industrial use.

Edel Sokol stated a concern that such housing would become a form of affordable housing. Kyle Alm stated that there were a few residences in Glen Cove already. Ms. Sokol agreed, but added that those residents had complained. Mr. Alm stated that the proposed regulations required that someone living in the ADU must be an employee of the business or be the owner, so it was more for workforce housing than affordable housing.

Bud Schindler suggested that the Planning Commission ask staff to do some research to see what other counties were doing on the issue. Jim Hagen

stated that he thought the commission had been very close to a final recommendation on the Omnibus with only a few issues outstanding for this meeting. He was concerned about extending the deliberation period. He suggested that the commission take some time at this meeting to arrive at a recommendation on the ADU issue.

Bill Miller asked what would happen, what the penalty would be, if an owner rented the ADU to someone other than an employee, if that was the recommended condition. Jim Hagen replied that it would be an enforcement issue.

It was suggested that the ADU require a conditional use permit. Kyle Alm stated that, typically, if the UDC required that the ADU only be rented to an employee or be used by the business owner, that condition would be placed on the building permit. The commissioners discussed what kind of conditions could be put in the UDC on the issue. Mr. Alm suggested that a limitation on the number of bedrooms or the ADU size would be ways to limit the occupancy, adding that the Health Department would have to consider the septic system capacity as part of the building permit process.

Dennis Schultz moved that the UDC say that the ADU "must be" occupied by either the owner or an employee of the business rather than saying "may be occupied". Edel Sokol seconded the motion. There being no further discussion, the motion carried with seven in favor and one opposed (7-1-0).

Phil Flynn stated that he opposed the motion because, if you wanted a watchman for security purposes, it did not necessarily need to be an employee of the business.

The commissioners discussed the size of the ADU.

Dennis Schultz moved that the 1250 square feet be the maximum size of the ADU. Phil Flynn seconded the motion which carried with seven in favor and one opposed (7-1-0).

Edel Sokol stated that she opposed the motion because she would rather use a ratio of the building size. Some commissioners pointed out that many buildings in Glen Cove were quite small, so a ratio would not be feasible.

The commissioners moved on to the Planned Rural Residential Development [PRRD] issue at 18.15.475 (Page 78 of the draft). Kyle Alm explained that the code had not been clear about how to calculate the reserve tracts. The other thing was that we would recognize previously platted density under a PRRD scheme.

Bud Schindler commented that the language in 18.15.505(3)(a) was a long, confusing sentence. He suggested that it be modified somehow so that it was simplified and more understandable. The commissioners agreed by consensus that the sub-section should be re-written to be more understandable. Staff was asked to do so.

The commissioners moved on to the forest practices issue. Bud Schindler commented that he liked the original wording at 18.20.160(1) [Page 17].

Bud Schindler referred to language in the section about critical areas and environmentally sensitive areas. He thought they were synonymous. If they were synonymous, he thought we could use the words "critical areas" instead of "environmentally sensitive areas". Kyle Alm responded that "critical

areas" was not specifically defined in the UDC. He stated that "environmentally sensitive areas" was defined as geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, fish and wildlife habitat, and as defined in WAC 356-190 as critical areas. He agreed that it was a little circular. He thought it was fair to say that all critical areas are environmentally sensitive areas but not all environmentally sensitive areas were critical areas. Mr. Alm's explanation satisfied Mr. Schindler's concern.

Jim Hagen referred to the bottom of Page 19 where it addressed Class IV forest practice permits. He asked if there was a timeline for the county to assume jurisdiction. Kyle Alm replied that he did not know, although the law had changed some time ago, and the proposed wording was in response to that.

Jim Hagen stated that, according to the old UDC, it said that once the county assumed jurisdiction, the Administrator shall approve the permits, with a lot of information added about stormwater. The new language said that we would require a stormwater management permit to be reviewed by the county. He asked who that reviewer would be. Kyle Alm replied that DCD or Public Works would address the stormwater permit. Greg Ballard stated that the stormwater permit was under DCD's authority, although it was done in conjunction with Public Works.

Edel Sokol referred to page 8 of 18.15.030 where it addressed essential public facilities [EPFs]. She asked if the transit bus barn, schools, the county jail, or the county road maintenance building would be considered EPFs. Kyle Alm replied that the transit bus barn would not be an EPF. He thought the jail qualified as an EPF. He explained that some of the uses cited would come under the conditional use permit process in the rural residential districts. Ms. Sokol and Mr. Alm discussed examples of EPFs and examples of uses that were not considered EPFs.

Bud Schindler referred to 18.20.160(3)(a)(ii) [Page 18] and suggested that it should read "Class IV General forest practice applications", adding "forest practice" for clarity. The commissioners agreed with his suggestion.

Bud Schindler referred to Page 23 regarding COHPs at (c) where it addressed the Type II review process. He suggested that the words "will" be changed to "shall" so that the section would read "All COHPs meeting the minimum standards stipulated below shall be subject to the Type II review process. Proposals meeting the COHP criteria shall not be subject to review under the State Environmental Policy Act:". The commissioners agreed by consensus with his suggestion.

Bud Schindler pointed out a minor typographical correction at the bottom of Page 28.

At Page 36 at the top of the page at (c) where it discussed mineral extraction, Bud Schindler suggested rewording the section to say "seasonal high groundwater or highest aquifer level." Then the last sentence could be eliminated.

Also on Page 36 near the middle of the page at (c) where it addressed using best management practices, Bud Schindler suggested adding "reclamation activities". Mike Whittaker stated that reclamation was under the jurisdiction of the DNR, whereas extraction and processing were under the county's jurisdiction. Mr. Schindler suggested that the wording should say

"mineral extraction and processing and related activities" in order to be consistent at both places. He also suggested removing the words "to the extent possible". The commissioners agreed by consensus with his suggestions.

Jim Hagen asked about the nuisance provisions and how the provisions of the Comp Plan applied to the UDC. He stated that there were goals and strategies in the Comp Plan that were linked to the right to practice. He asked staff to explain how those two reconciled between the Comp Plan provisions and the development code and whether there was any conflict. Kyle Alm replied that he did not think there was any conflict at all. He stated that the Comp Plan policies for mineral lands were pretty similar to those for other resource lands. He stated that the noise standard was pretty much taken from the WAC, basically just referencing it in the code. Also, it specified that outside of the normal operating hours (7:00 am to 7:00 pm weekdays), the decibel level must be lowered by 10 dBA for the residential receiving property.

Phil Flynn asked if Fred Hill Materials had asked for extended operating hours. Kyle Alm replied that he was not aware, although extended hours would be associated with a specific project.

Jim Hagen referred to (h) on Page 37. He stated that the mining section had been changed pretty much throughout from "mineral extraction, mining, quarrying, and reclamation" to "mineral extraction and processing". He stated that the phrase "mining, quarrying, and asphalt/concrete batch operations" had appeared again instead of the more generally used phrase. He asked about the consistency. He also noted that the section was not clear that it referred to such operations within susceptible or special aquifer recharge areas. It used the term "such areas", which was not immediately clear what was being referred to. Kyle Alm agreed that it was unclear and that the sentence could be taken out without losing the continuity of the intent.

Dennis Schultz referred to (iii) at the top of Page 38, pointing out that it was identical to (c) at the top of Page 36. He wondered if it was intended to be repeated on Page 38. Kyle Alm replied that it was intended that way because the section addressed performance standards, although it was agreed that the sections should be consistent in wording with the suggestion for Page 36.

Bud Schindler referred to the surety language at 18.35.160 contained in the October 5, 2005, staff additions. He suggested adding language about returning unused surety money to the applicant. Staff and the commissioners discussed forms of surety, which typically would be through a surety bonding company. The proposed wording in the draft was acceptable to the commissioners.

Mike Whittaker referred to the mineral lands section (18.20.240) at Page 36 [bottom of the page at (f)] where it addressed the hours of operation. He stated that Frank Kelly had provided written comments on the issue. He stated that the proposed wording essentially would allow the mining operator to work 24 hours a day. He suggested going back to the original wording.

Edel Sokol stated that the commission had received public testimony on the issue and before the commission changed anything, the commission should notify those people. Mike Whittaker stated that the section addressed noise, stating that this county had a poor track record when it came to noise

complaints. Dennis Schultz stated that a lot of jobs required the operators to begin work before 7:00 am, citing the Highway 101 landslide as an example. Mr. Whittaker stated that such emergency operations were understandable. He stated that he lived across the highway from the Penny Creek Quarry and was not aware that the early morning had been much of a problem. He referred to the Shine quarry [Fred Hill Materials], stating that they proposed running the rock conveyor belt around the clock. He stated that the old wording had some provisions so that the county would at least have some scrutiny over such work. He thought the proposal to reduce the noise level by 10 dBA would allow them to work around the clock. He thought that was less responsible.

Bud Schindler stated that unless the county had a way to get out there with noise machines to measure the decibel count and penalize the operator, and unless there was a good penalty for violating the noise levels, there wasn't much the county could do. Mike Whittaker stated that the county did not have the capability.

Edel Sokol asked about the WAC noise requirements. Kyle Alm explained the noise level regulations in the WAC.

Mike Whittaker stated that the point was that, if there was no program to monitor the noise, it did not make any difference what regulations were in place. By retaining the original language, it would allow the county the leeway to review extended hours, as opposed to just allowing them to continue operations by merely reducing the noise level by 10 dBA, up to 24 hours a day. He favored keeping the old language. Then, in the future, if the county did get the latitude to do noise studies, the language could be changed to allow them to operate on extended hours.

Jim Hagen asked about the original intent. Kyle Alm explained that the way it was worded before was that the time period applied only if the activity created a noise disturbance. He did not think "noise disturbance" was defined at that point.

Dennis Schultz suggested changing the subsection to two sentences.

The commissioners discussed the noise issue for some time. Mike Whittaker stated that you had to know the ambient noise level in order to determine what level the 10 dBA reduction would be. Bill Miller stated that a 10 dBA reduction did not necessarily mean it would benefit the receiving properties. The commissioners and staff discussed whether the county had any means of monitoring noise. Mr. Whittaker's concern was with the "determination of significance" wording [(ii) on Page 37]. The commissioners discussed examples of noisy activities. An issue discussed was that noise complaints would become an enforcement issue. The commissioners discussed the difference in noise studies done for the Penny Creek Quarry and the Fred Hill Materials Shine pit. One hired a bonafide company for their noise study while the other did the work themselves, with Mr. Whittaker questioning the methodology used. Mr. Whittaker stated that there was no consistency. Dennis Schultz stated that the question was whether the noise was outside of the normal operating hours (7:00 am to 7:00 pm).

Edel Sokol stated a concern that mining was an important activity in this county and we should not create regulations that would hamstring the activity. Mike Whittaker countered that the WAC said that it should be done with a balance, considering property rights and the environment. He stated that it was his experience that it had not been done with a balance. He

stated that the county had to have some latitude to deal with the noise impacts.

Jim Hagen stated that his question was what would trigger a Type III conditional use permit. He stated that you should not require a conditional use permit just to operate outside of normal hours. Mike Whittaker agreed there had to be a trigger. Greg Ballard stated that he did the mining permits for the county. He explained the noise studies the county required for mining operations outside of normal hours. He provided examples using Fred Hill Materials and Mats Mats Quarry. He explained what would be required of Penny Creek Quarry if they wanted to operate outside of normal hours.

The Chair allowed Frank Kelly to speak to the issue.

Frank Kelly stated that, if the county adopted the proposed language, there would not be a trigger for many activities that increased the offsite impacts. He stated that a "determination of significance" (DS) was a specific SEPA term. He stated that many activities that a mining operation would do, particularly at night, would not trigger a DS. He stated that you would be taking a tool out of the county's tool box for dealing with mining. He stated that, in the Mats Mats situation, the neighbors were much closer to the quarry than they were to the Shine quarry. The distance and wind effects affected the amount of noise received on neighboring properties. He stated that Mats Mats had proposed using a bigger crusher and to operate at night. The county told them they would need a conditional use permit. They withdrew the application. He stated that under the current proposal, they could change their crusher and operate at night. He stated that citizens would have to higher a noise engineer to do a study to demonstrate they were exceeding the WAC standards and go through an appeals process. He stated that the citizens should not have to go through that. He was asking that the county recognize that the noise created by these activities was pretty much the same during daytime hours and at night. He stated that he did not have a problem with daytime operations; it was the night time activities that concerned him. He stated that most of the Fred Hill Materials rock would be exported and it would be a 24-hour a day operation. He stated that he did not have a problem with emergency situations. He stated that it was not a right to mine issue, stating that he was totally for mining. However, after 7:00 pm he did not understand the need to do it, especially with no protections except the state standards. He asked that the Planning Commission take the DS language out and just go with "significant impacts". He thought that was specific enough that it would protect the county legally.

Edel Sokol asked for staff's take on the issue. Kyle Alm responded that his understanding was that now there was no real standard to judge "significant impact". He stated that they were looking at a DS from the standpoint of the operator expanding an existing mine. With a DS, they would have to go through an EIS and consider the offsite impacts. He thought the intent was that, if they wanted to change their hours of operation, it would trigger a Type III conditional use permit. He asked if that was what he was hearing from the commissioners. Ms. Sokol asked if it was set up that way now. Mr. Alm replied that it was not. Ms. Sokol asked if we could set it up so that, if they wanted to operate outside of normal hours, it would automatically trigger a conditional use permit. Mr. Alm replied that, while he did not know, he supposed you could condition any permit the way the county wanted to. Jim Hagen did not support jumping right to a Type III if they wanted to operate outside of normal hours.

Some commissioners debated the noise issue for operating outside of normal hours and what the trigger might be for a Type III permit. Mike Whittaker was concerned that the proposed language opened operating hours to 24 hours a day without triggering any permits or review; there were no checks and balances. Edel Sokol stated that, if it was an enforcement issue, the county should do the enforcement. She was opposed to telling an operator when he could operate.

Phil Flynn stated that the Mats Mats quarry was there for 30 or 40 years. He stated that many of the houses that were there now were built since then. He stated that the county bore a certain liability in allowing housing to be closer to mining activities or other noise causing uses, such as airports. Mike Whittaker stated that, if the quarry was there first and the houses came after, common sense told you that the neighbors should not be able to complain about the noise. On the other hand, if the houses were there first and the quarry came later, the neighbors should be protected. Mr. Flynn stated that did not keep people from complaining about the airport.

Mike Whittaker stated that he could support language that operations outside of the 7:00 am to 7:00 pm time period must be reviewed by the Administrator. It would at least provide a level of scrutiny. He stated that he could support 20 dBA below the WAC instead of the proposed 10 dBA. Other commissioners did not support that suggestion because the WAC was the control. Mr. Whittaker stated that the WAC listed the minimum; the county standard could be more stringent. Edel Sokol stated that she supported the proposed wording. She suggested taking the issue to the BOCC who could ask for a legal opinion from the Deputy Prosecutor about what would be legal.

Edel Sokol moved that the Planning Commission recommend keeping the proposed language and refer the issue to the BOCC to get an opinion from the Deputy Prosecutor about the decibel reduction figure. Allen Panasuk seconded the motion.

Mike Whittaker stated that he could accept the motion. He stated that his concerns were similar to Mr. Kelly's. He stated that the public comment period to the BOCC would afford them an opportunity to further address the issue.

The motion carried with seven in favor, none opposed, and one abstention (7-0-1).

Mike Whittaker raised an issue about buffers for mining activities. He referred to the old code which addressed best management practices [BMPs], including buffer zones. Other sections of the old code addressed buffer zones in the references to BMPS. However, he could find nothing on buffer zones. He stated that for a Mineral Resource Land overlay, it required parcels no smaller than five acres on 100% of the perimeter. He stated that staff did not think that meant buffers. Mr. Whittaker stated that he thought it did. He stated that the WAC talked about a minimum distance between noise generating and noise receiving being 300 feet. He thought the five acres initially came from the DNR, which previously governed mining. He stated that the old code referred to buffers all through it. He stated that the forest lands buffer was 250 feet, stating that he could support a similar buffer for mineral lands, possibly more.

Kyle Alm stated that the 5-acre parcels on the perimeter related to the designation criteria for a MRL. He stated that there was no implication that the mineral land owner own those parcels. It did not have to do with a project action. Mike Whittaker stated that the code language alluded to buffers but buffers were never spelled out. Mr. Alm stated that there was a standard setback for industrial uses abutting residential zones. He stated that the reference to a 250-foot buffer from commercial forestry required that distance for buildings next to forest lands. That was a different style of management protection for resource lands; the buffer was on the adjoining land. Mr. Alm stated that the BMPs referenced applied primarily to critical aquifer recharge areas and not necessarily how far away the mineral activity should be from the property line. Mr. Whittaker stated that the allusion to buffers indicated that buffers were intended to be addressed. The commissioners discussed buffers, with Mr. Whittaker stating that there should be some verbiage in the code addressing them. It was pointed out that any buffer would be on the adjoining property, not on the mineral land. Mr. Whittaker stated that his point was that the code addressed buffers but it never spelled them out. He thought that if the code raised the issue, there should be some verbiage addressing it. The commissioners made no revisions to the section.

Edel Sokol moved that the Planning Commission forward the UDC Omnibus package to the BOCC with the amendments made. Allen Panasuk seconded the motion. The motion carried unanimously (8-0-0).

C. ADJOURNMENT

The Chair invited public comments.

Blane Smith stated that he had worked at the Shine quarry for awhile. He stated that one reason the quarries worked at night was because the night time humidity kept the dust down when they were crushing. He thought it was interesting the way the Planning Commission moved through the ADU issue for Glen Cove. From a security standpoint, he did not think gender was important; it was more of an intelligence issue.

Jim Hagen stated that the public would have another opportunity to comment on the UDC Omnibus to the BOCC. He suggested people keep an eye out for public notices for the BOCC hearing.

The commissioners discussed the Planning Commission's report to the BOCC on the Omnibus.

Dennis Schultz moved that the Planning Commission authorize the Chair to sign the commission's report to the BOCC on the UDC Omnibus. Edel Sokol seconded the motion. It was agreed that the by-laws authorized the Chair to do so, so a motion was not necessary. The commissioners agreed that another meeting was not necessary to review the report.

The commissioners discussed topics for future meetings, with Jim Hagen noting that he did not know of anything in particular. It was agreed that the Planning Commission would not need to hold a meeting in order for the Chair to appoint someone to the WRIA issue, if the BOCC authorized the Planning Commission to do so. Since the Planning Commission had previously discussed the WRIA issue and was in agreement that it wanted to be involved on the WRIA planning units, the Chair could merely appoint the Planning Commission representative(s).

The commissioners agreed to cancel the next meeting (November 16) with the Chair and staff deciding about the meetings for the rest of the year as meeting dates approached.

Edel Sokol stated that she would like the Planning Commission to take up the UGA sewer issue after the first of the year.

The commissioners agreed to cancel the next UDC Committee meeting (November 8) as well. Dennis Schultz suggested that the UDC Committee take up the issue of the County-wide Planning Policy and formulating a Comp Plan amendment application on the issue.

The meeting was adjourned at 9:45 p.m.

D. APROVAL OF MINUTES

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

Jim Hagen, Chair

Cheryl Halvorson, Secretary