

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR FEBRUARY 15, 2006

- A. OPENING BUSINESS
- B. WORK PROJECTS AND PRIORITIES
- C. POSSIBLE SUGGESTED AMENDMENTS FOR THE 2006 COMPREHENSIVE PLAN  
AMENDMENT CYCLE
- 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 Bud Schindler, Phil Flynn, Bill Miller, Dennis Schultz, Mike Whittaker, and Peter Downey. Edel Sokol and Allen Panasuk were excused.

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

There were no members of the public present.

The minutes for February 1, 2006, were approved as amended.

The Chair invited staff updates.

Kyle Alm reported on the hearing before the Hearings Board on the UGA on February 7. He explained vesting under the assumption of validity prior to a Hearings Board order finding of invalidity. He explained some of the petitioner's new points, stating that they were also trying to re-open issues that had already been decided. The petitioners were also trying to bring new issues into the record that was well past the deadline for submission. He stated that his impression was that the Hearings Board was a bit more sympathetic to the county's position. He stated that the petitioner's main point had to do with the way the county re-established the rural standards after the finding of invalidity. He stated that a finding against the county could leave the UGA with no development standards at all until the county adopted or re-adopted rural standards, which would be a very unusual situation. The county's position was that the finding of invalidity returned the development standards and zoning back to those rural standards established before adoption of the UGA.

Peter Downey asked when the Hearing Board would issue its decision. Kyle Alm thought they had thirty days. Jim Hagen asked if the petitioners were asking for a whole new public process in order to re-adopt the previous rural standards. Mr. Alm replied that seemed to be what they were implying. He stated that the Hearings Board did not say that. He stated that the Hearings Board did ask the question "What happens if there is no zoning?" which was a good question. If there was no urban standard there and there was no rural standard there, what standards did you have to govern development? Phil Flynn commented that the county would have no control over the area, so people could build whatever they wanted. Or, the alternative would be that no development could occur at all. Mr. Alm offered the opinion that the can't-build-anything option was not really an option because you had to put a regulation into place to say that. Property owners had rights in this country.

Bud Schindler wondered what the petitioners were trying to do. Kyle Alm stated that he did not know. He thought their main issue was that they did not want the UGA. Some commissioners thought they were trying to be obstructive, noting that the Tri Area had been planning for urban development for twenty years. Peter Downey stated that the objective of the GMA was growth management, not no growth. He stated that growth would happen.

Kyle Alm reported that we had not received any other appeals on the 2005 amendment cycle, other than Pepper and Widell.

Kyle Alm reported that UDC Omnibus deliberations were ongoing with the BOCC. The BOCC were just working on the Definitions now. They had adopted three of the "lighter" chapters.

Cheryl Halvorson announced that staff had re-advertised for the two Planning Commission positions. The new closing date for applications was March 6.

Peter Downey asked about potential Comp Plan amendments for 2006 (site specific). Kyle Alm replied that he had talked with one potential applicant but that person had not filed a complete application yet. He stated that he kept hearing about Black Point, but it was only rumor so far; no application had been submitted.

The commissioners turned to committee reports.

Jim Hagen reported on the TDR Committee meeting, stating that there were four committee members and one member of the public present. Bud Schindler reported that a good portion of the meeting was spent looking at the Comp Plan in terms of what amendments would be necessary. He stated that staff would draft a line-in, line-out proposal for the committee to consider at its next meeting.

Bud Schindler stated the understanding that, after the county adopted the Comp Plan and UDC amendments, the county would not be involved administratively in the TDR program. He was surprised at that and wondered if that was true. He spoke about receiving areas being UGAs or LAMIRDS, especially RVCs, and the need for affordable housing.

Mike Whitaker stated that staff came to the meeting with an agenda and the committee kept pretty well to that agenda. He expressed appreciation for staff's organization ability. The committee meets again on February 28. He stated that the committee still had many questions.

Jim Hagen stated that one of the main questions was the necessity of the program in Jefferson County considering the planning capabilities of our limited staff. While a TDR program had merit, he thought staffing was an issue for administering a program. He stated that a successful TDR program really depended upon strong, viable receiving areas. He stated that his thoughts were on the Hadlock/Irondale UGA, but what he was hearing was a focus on Upper Sims Way in Port Townsend. He stated that the comment from the citizen who attended the committee meeting was that the people living in the urban areas liked the rural areas kept the way they were because they liked to go into such areas for recreation and scenic enjoyment. Mr. Hagen stated that was not the purpose of our rural areas.

The commissioners and staff discussed where receiving areas in the county might be. Kyle Alm offered the opinion that development rights could be transferred to Rural Residential areas. Bud Schindler offered the opinion that the people in the South County would rather see development rights transferred to other rural areas or RVCs instead of going to Port Townsend. He thought South County people would support development rights transferring into the RVCs, but there were concerns about the infrastructure requirements.

Kyle Alm stated that a TDR program, in theory, would move development to places where it was more efficient to develop. He stated that you would not necessarily need a lot of infrastructure if you had a 20-acre parcel and added another house through the TDR program. Bud Schindler stated that he

would like to see if that concept had been tested. Mr. Alm stated that it was a market based approach and if you got the market wrong, it would not work.

The commissioners and staff discussed sending and receiving areas and whether receiving areas needed to be designated. They discussed impacts to county tax roles. Peter Downey expressed uneasiness if we did not have designated receiving areas. He cited an example where development rights could be transferred to forest lands. Kyle Alm stated that his concern was that, if we designated receiving areas, the program would never get off the ground.

Jim Hagen stated that there were still a lot of unanswered questions that needed to be answered before we could really develop draft language. He stated that his research into TDRs was that, in order for the program to be successful, you needed to have viable, strong receiving areas. He thought there could be unanticipated consequences if we did not think through all of the possibilities and answered the questions. He provided an example of OPG, which owned a lot of forest land in the county, transferring those development rights to other land they owned and creating a higher density development.

Bud Schindler agreed with Mr. Hagen. He stated that the committee had thought about only establishing a basic framework for a TDR program and then wait for things to start to happen. He was concerned that, as we waited for things to start to happen, we would find new things that were big questions that would involve the county in trying to resolve them. He thought it could take a lot of work.

Kyle Alm expressed concern that, if the city was going to be a receiving area, the city would need to get on board with that and possibly change their Comp Plan. He wondered whether we would need to wait until the city was on board and coordinate our efforts. Bud Schindler stated the opinion that the two plans would need to be somewhat compatible in order for a program to work. Mike Whittaker stated that, perhaps, we should wait on the TDR issue until the city was on board. Mr. Alm stated that staff had been in contact with city staff who seemed to be open to it.

Kyle Alm stated that he could see what the commissioners were saying about the receiving areas. However, when you started getting into issues like that, it was pretty tough to draw those lines. He cited the adult business issue as an example of a similar issue. You had to come up with someplace for such a business to go. Peter Downey thought the difference between TDRs and adult business was that there would be people who would be proponents for a TDR program. They would want to support preservation of some properties, so they would want to designate sending areas. And they had to see the flip side of the coin. If you had sending areas, you also had to have receiving areas. He did not think you could compare it to the adult business issue. Mr. Alm stated that you still had to set it up. The question was where it should go. He stated that people may or may not want density coming into their neighborhoods. There were community plans that had been crafted with a lot of public participation. He thought designating receiving areas could be tricky. He stated that the capital facilities planning could be affected by increased densities. How we could make that work was a big concern of his.

Peter Downey offered the opinion that a TDR program would not be used so much today; it was a tool for ten years from now. At that time, a Hadlock/Irondale UGA may be ready to utilize the program. He thought a

little forward thinking and preparation now might do some good in the future. Dennis Schultz cited an example of a farmer in the Chimacum Valley who had a certain amount of acreage that he could not develop anyway because of critical areas issues. He thought the farmer could sell those development rights now because he could not use them anyway.

#### **B. WORK PROJECTS AND PRIORITIES**

Bud Schindler stated that, as the commission discussed the myriad of potential things that could come up this year, he couldn't help but wonder why there was not a process set up by the county that identified each of the issues by project and tried to establish the resource requirement and the priority for each of them. He thought the county should set priorities for the issues to be addressed because there were considerably more than could be finished in one year. Many of them were risky issues, such as the MPR issues, because we did not know if they were going to come forward or not. But, if they did come forward, they would be huge projects that required a certain amount of resources. He questioned how the county could plan its workload without some kind of mechanism that at least established a priority. For example, he thought the County-wide Planning Policy [CPP] was very important. Instead of working on that, the decision apparently was made to work on TDRs. He wondered about the basis of a decision to go TDR versus CPP versus the side-by-side suggestion, which he thought would be valuable, versus all the other things that were on the work list. He stated that any successful business would lay out the issues, structured in such a manner and prioritized so they had a feeling for the most important issues that needed to be addressed, and the resources needed to accomplish the work. He did not think there was any mechanism within the county to do that.

Dennis Schultz suggested that part of the purpose of the Planning Commission was to suggest priorities for Comp Plan amendments this year, work that would take longer but should be worked on this year for amendment next year, and the resources needed for them. Jim Hagen stated that the Planning Commission would have some opportunity to do that at the March 15 joint workshop. Mr. Schultz suggested that it should be done among the Planning Commissioners first: develop a "shopping list" of projects that the Planning Commission saw as needing to be done, the resources needed to do it, and the priority for each, including projects that would take a lot of work and could not be finished this year but needed to be started. Peter Downey supported Mr. Schultz's suggestion, stating that some projects may not be able to be finished in one year.

Some commissioners questioned why the TDR issue was being given a high priority this year. Bud Schindler stated that the Planning Commission had suggested some possible Comp Plan amendments for this year. Dennis Schultz acknowledged that some of those proposals may take this year to work on in order to prepare a proposal for amendment next year. The commissioners thought the March 15 joint meeting with the BOCC would provide an opportunity for the Planning Commission to make its case for which issues should be prioritized for this year.

Concerning the TDR issue, Mike Whittaker stated that he thought staff had made a presentation to the BOCC who had directed staff to go forward.

Dennis Schultz suggested that the Planning Commission develop a list of work items and try to determine the resources needed and recommend the priorities and present that at the joint workshop on March 15. Jim Hagen stated that he

thought the Planning Commission would know more about the number of Comp Plan amendments received after March 1, which should help the commission determine the workload for the year.

The commissioners spent some time creating a list of work items for the year with the scope, time frame, and priority, and the amount of controversy each might generate. The projects were: (1) TDR, (2) side-by-side (CP and UDC), (3) CPP incorporated into the Comp Plan, (4) site specific Comp Plan amendments, (5) zoning density to the UDC, (6) critical areas ordinance (settlement agreement with WEC), (7) WRIA, (8) Shoreline Master Program update, (9) housing, (10) ILB/MID, (11) MPR-Black Point, (12) MPR-Port Ludlow, (13) final Forest Lands Ordinance, (14) low impact development, and (15) clarify the rezoning criteria. A table depicting the results of their exercise follows. The rankings were 1 = High, 2 = Medium, and 3 = Low (for priority and controversy).

	Project	Scope (PC)	Time Frame	Priority	Controversy
1	TDR	Large	Development phase -ongoing	3	1
2	Side-by-Side (CP & UDC)	Large	Multi-year Finish 2007	2	2
3	CPP to CP	Small	Doable in 2006	2	2
4	CPAs (Site Specific)	Small	2006	1	3
5	Zoning density to UDC	Medium	2006	2	1
6	CAO (Settlement Agreement)	Medium	Finish 6/06	1	2
7	WRIA Recommendations	Medium	Multi-year Finish 2007	1	1
8	SMP update	Large	Multi-year Finish 2007	1	1
9	Housing	Medium	Start 6/06 Finish 2007	3	3
10	ILB/MID	Large	Start 6/06 Docket 2007	3	1
11	MPR-Black Pt.	Large	Possible 2007 (to be determined)	3	1
12	MPR-Pt. Ludlow	Large	Possible 2007 (to be determined)	3	1
13	Final Forest Lands Ordinance	Small	Docket 2007	1	1
14	Low Impact Dev (UDC)	Medium	2006	3	3
15	Clarify RR rezone Criteria (LNP 3.3)	Small	Work on in 2006	1	2

Bud Schindler stated that the Housing project included both the affordable housing task force, which may generate a Comp Plan amendment, and the housing needs assessment group.

The commissioners agreed that the entire list should be started this year but products for Comp Plan amendments may not be ready until the 2007 amendment cycle.

The commissioners agreed that the CPP issue was a small project in terms of Planning Commission involvement. However, the issue and larger scope of the project would be the inter-jurisdictional coordination with the city. Bud Schindler described the mechanism proposed for amending the CPP. Jim Hagen pointed out that the CPP were adopted legislatively, so we could not just change them without another legislative action. Mr. Schindler stated that he could prepare a suggested amendment for the 2006 cycle.

The commissioners thought the WRIA recommendations would probably result in Comp Plan amendments, possibly policies and strategies. It was unclear when or if a Comp Plan amendment would come forward. Dennis Schultz did not think an amendment would come forward in 2006. Kyle Alm thought it was an issue the Planning Commission Comp Plan Review Committee could take a look at this year, along with the side-by-side comparison.

The commissioners agreed to give both MPR projects a priority of 3 for the time being, since we did not know if a proposal would actually come forward this year. If either MPR proposal came forward, the priority would increase to a 1.

Concerning the final Forest Lands Ordinance project, Jim Hagen thought it could be fairly controversial once you took into consideration the requirements in the GMA. He thought the designation criteria could be open to amendment given the current GMA requirements. He also thought the UDC could require some amendments. Kyle Alm stated that the uses and other development requirements were already in the development code. Mr. Hagen stated that the language in the Comp Plan should, at least, be cleaned up to make it clear that we had a "final" ordinance and not an "interim" ordinance.

Concerning the Rural Residential rezoning project, Kyle Alm stated that the zoning criteria would need to be very clear in the UDC so that rezone decisions would be guided by objective criteria. Bud Schindler agreed, stating that we needed something by which we could make decisions. He stated that the county had struggled this year with the RR rezones. He thought that from year to year you could have decisions going one way or another depending upon who you had making the decisions (under our current criteria). He stated that we needed clear criteria so we could make consistent decisions. That was why the commission gave the project a Priority 1. Mr. Alm stated that it would take a Comp Plan amendment to clarify the zoning criteria, along with a UDC amendment to set the process.

Dennis Schultz observed that a lot of projects were being put into 2007.

The commissioners suggested that staff add a column depicting their scope and resources needed.

Peter Downey stated that you needed to consider the priority and the scope together in order to look at the cost-benefit of the projects.

The commissioners asked staff to prepare a list of projects that staff would be working on that the Planning Commission would not be involved in, stating that they would take staff time away from supporting the Planning Commission projects. Jim Hagen suggested that staff provide a list of their work projects for comparison to the Planning Commission's list. Then both lists could be discussed at the March 15 joint meeting.

**C. POSSIBLE SUGGESTED AMENDMENTS FOR THE 2006 COMPREHENSIVE PLAN  
AMENDMENT CYCLE**

Peter Downey stated that the Planning Commission had discussed possible suggested amendments for 2006 in the previous exercise.

Jim Hagen stated that it had just come to mind because it had been in the public eye, but there was a large military presence in the county and there was no mention of it in the Comp Plan. He stated that RCW 36.70A.530 specifically referenced incompatible adjacent development next to military installations. Peter Downey wondered how much of a problem it was because the Navy base was pretty isolated from anything else. Mr. Hagen stated that the county did notify the Navy about the UGA proposal during that public process. Kyle Alm added that they did not comment. Mr. Hagen suggested that it may be appropriate to have something in the Comp Plan, at least in the narrative, about the Navy base. Whether there should be any goals and policies was debatable. The commissioners discussed the fact that the Navy base was separated from other development by the fact that it was on an island owned by the government. The only adjacent uses were the county parks. Kyle Alm pointed out that the Navy base activities were outside of the county's jurisdiction to regulate. Mr. Hagen stated, if one talked about a gap in our Land Use element, that was a large one. Mr. Alm noted that the Navy base contributed significantly to the county's economy.

Cheryl Halvorson asked if there were any projects on the priority list previously discussed that would need to have a suggested amendment prepared before March 1. Bud Schindler replied that he would try to get something together on the CPP issue that was more formal than his white paper.

Cheryl Halvorson pointed out that the Planning Commission noted a time frame of 2006 for the zoning density rezones being moved to the UDC. That project would require amendments to both the Comp Plan and UDC. That meant that there should be a suggested amendment done by March 1.

Jim Hagen stated that staff would be doing line-in, line-out for the TDR project. Some commissioners were concerned that there were still too many unanswered questions, particularly regarding receiving areas and city involvement, to be submitting a suggested amendment now.

Some commissioners questioned the need for doing line-in, line-out for the suggested amendment applications. They instead supported providing a statement of the issue and the suggestions for resolving the issue, but not doing actual line-in, line-out language until after the suggested amendment was docketed. They thought that preparing line-in, line-out would be a waste of a lot of time if the suggested amendment was not docketed. It was agreed that the documents prepared by Bud Schindler on the CPP and the side-by-side and Dennis Schultz on the Rural Residential rezoning issue could be attached to a suggested amendment application for submission before March 1. Jim Hagen stated that the Planning Commissioners who supported a particular project should prepare the suggested amendment application for that project.

Bud Schindler discussed the designation criteria for forest lands and providing a mechanism for rezoning forest lands to something else. He thought that at some point, as development pressure increased, there should be a threshold whereby forest land could be converted to residential land. It was agreed that it would be a very controversial topic. Jim Hagen stated that his issue was below that level of thought. He stated that, if we had a

provision whereby a property owner was allowed to apply for a change, we should have some reliable criteria. He stated that he kept coming back to the Final Staff Recommendation where it said that you could not get a change in use until the process had been completed. Kyle Alm stated that the Comp Plan was very clear in its forest lands designation criteria. Mr. Hagen questioned why it was stated in the staff report that you could not get a change in use until a process had been completed. He stated that you should either say you could absolutely not change the use or there should be criteria in place to allow it to happen. The commissioners and staff discussed the need for converting forest land to Rural Residential in certain areas (where the demand was). Mr. Alm stated that there were ample parcels already in the Rural Residential zones. He stated that the GMA required us to designate and protect resource lands. He stated that we could take resource lands out of that designation, but we had to show there was a real need. Given the number of vacant Rural Residential parcels, he thought that would be a tough sell. Mr. Alm stated that the growth management indicators provided additional guidance. He stated that we looked at the growth management indicators, as well as the CPP, during every amendment cycle. Some commissioners were concerned about affordability. Mr. Alm stated that affordability was not a criterion. Staff pointed out that residential use was allowed in designated forest lands at the densities specified (1:80 or 1:40, depending upon the particular forest designation). Mr. Alm stated that it was not our duty to accommodate growth in the rural area; it was our duty to accommodate it in the urban areas.

The commissioners and staff discussed general areas where there was a demand for residential use, some of which was currently in designated forest land.

#### **D. ADJOURNMENT**

Mike Whittaker stated that it was his philosophy that you could not change anything about the cost of housing. The only thing you could do was make it conducive so that commerce would come into the county and provide livable wage jobs. Having said that, he noticed that Tiny's Fruitique was going out of business. He stated that they hired people, providing jobs, and they provided a service. Since we were concerned about economic development, he thought we should have a mechanism for an exit interview so we could find out what had gone wrong for the business and how we could avoid that situation in the future. Dennis Schultz stated that the Swan Market at Nesses Corner had gone out of business a few years ago as well. It was a similar business to Tiny's.

Jim Hagen stated that he would be out of town for the next meeting and, therefore, would not be present.

Kyle Alm stated that the agenda for the next meeting would concern the UGA. He stated that he had arranged for several people to be present from the UGA to talk about the plans for the UGA.

The meeting was adjourned at 9:20 p.m.

**E. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_\_ day of March, 2006.

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

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Cheryl Halvorson, Secretary