

JOINT MEETING
of the
JEFFERSON COUNTY PLANNING COMMISSION
and the
BOARD OF COUNTY COMMISSIONERS

MINUTES FOR MARCH 15, 2006

- A. OPENING BUSINESS
- B. PRESENTATIONS BY PROPONENTS OF SITE-SPECIFIC AND SUGGESTED AMENDMENTS ON THE 2006 COMP PLAN AMENDMENT PRELIMINARY DOCKET
- C. DISCUSSION ON PLANNING COMMISSION PROPOSED WORK PLAN
- D. ADJOURNMENT

A. OPENING BUSINESS

The joint meeting of the Planning Commission and Board of County Commissioners [BOCC] was called to order at the WSU Learning Center at 6:30 p.m. by Planning Commission Chair Jim Hagen. Planning Commission members present were Allen Panasuk, Phil Flynn, Edel Sokol, Bud Schindler, Peter Downey, Mike Whittaker, and Bill Miller. Dennis Schultz was excused. BOCC members present were David Sullivan, Pat Rodgers, and Phil Johnson.

DCD staff present were Al Scalf, Kyle Alm, Brent Butler, David W. Johnson, and Cheryl Halvorson, secretary. Allen Sartin, Acting County Administrator, was also present.

There were about seventy (70) members of the public present. Those who signed the guest list were George Sickel, Gloria Allingham, Bob Allingham, Charles and Tillie Springer, Larry Nobles, Don and Diane Coleman, Gene and Nancy Thompson, Stan W. Reeves, Charlotte Reeves, Eugene Brown, Rita Butler, Susan Rants, Sandy Mackie, Don Largen, Noel Carey, Joanie Hendricks, Eric Hendricks, Herb Beck, Elizabeth VanZonneveld, Ted Labbe, Betty Todd, Ron and Chris Stephens, Joy Baisch, Dalila Dowd, John Dowd, Bob Herbst, Jeanne Moore, Arthur D. Bell, Mike and Iliana Schultz, Donald D. Hatler, H. Werch, Deborah Siefert, Peter Siefert, Jack Turner, Kirie Pedersen, Linda Tudor, Lawrence Dimino, Anne Ricker, Phyllis Erickson, Ryan Kaufman, Ian and Glenys McFall, Alan James, Lue DiDomenico, Doug and Kay Peterson, Nancy Dorgan, Cleo M. Austin, Drew Austin, and Olivia Alfano.

Jim Hagen invited staff updates.

Brent Butler reported on the Affordable Housing Advisory meeting that was held this date. They discussed strategies submitted by various focus groups. The ultimate goal was to present different options to the public in the near future. He reported that there was a new community land trust being formed for both Clallam and Jefferson counties that would also address affordable housing in Jefferson County.

Al Scalf stated that the county was advertising for a new Hearing Examiner.

Al Scalf reported that the BOCC would hold a workshop on March 16 on the UGA sewer project.

Al Scalf reported that we had received a decision from Kitsap County Superior Court on a LUPA appeal regarding an 80-lot plat in Port Ludlow [Olympic Terrace II]. He reported that the approval decisions of the Hearing Examiner and the Appellate Hearing Examiner were upheld by the Superior Court and the case was dismissed.

Jim Hagen asked about the status of the UDC Omnibus. Al Scalf stated that the group could discuss that during the 2006 work plan agenda topic. He stated that staff currently planned to bring the issue to the Planning Commission during the second meeting in April.

Jim Hagen suggested that the TDR Committee meeting report could occur during the 2006 work plan agenda topic.

Jim Hagen opened the meeting to general public comments. He explained that there would be a separate opportunity for the public to comment on the Comp Plan amendments. He summarized the Comp Plan amendment process, which would

include a public hearing on the merits of the proposals at a later date. No general public comments were received.

B. PRESENTATIONS BY PROPONENTS OF SITE-SPECIFIC AND SUGGESTED AMENDMENTS ON THE 2006 COMP PLAN AMENDMENT PRELIMINARY DOCKET

At the BOCC's suggestion, it was agreed to begin with the MPR proposal at Black Point since most members of the audience were likely interested in that proposal.

MLA06-87, Statesman Group:

Brent Butler introduced the amendment application, providing a summary of the proposed development. The amendment was for the purpose of designating a Master Planned Resort [MPR] at Black Point and Pleasant Harbor in Brinnon. He introduced Sandy Mackie (attorney), Susan Rants (applicant's representative), and Don Largen (environmental review), who represented the applicant.

Susan Rants provided a presentation on the proposal, which included 252 acres around Black Point including the Pleasant Harbor Marina and the old RV park. Included in the MPR proposal was an 18-hole golf course, convention center, 1090 residential units to serve the visiting public, the 290-slip marina, and a commercial village. It would be developed in phases under a development agreement with the county. She displayed a large topo map of the subject area and pointed out specific locations for various amenities.

Susan Rants stated that they knew there were several potential wetlands on the site. She provided a summary of other environmental issues they knew they would have to deal with.

Susan Rants stated that their proposal included 1090 units around the golf course which would all be on a recreational use basis; there would be no permanent residences onsite. There would be a club house, an 18-hole links type golf course, and convention center. They would use the existing roadway system as much as possible. The bulk of the homes would be around the golf course with the condominiums near the marina with the resort commercial. There would be an extensive trail system. There would be a chapel which would be donated to the community. They would use FireSmart development techniques and described such a system.

Susan Rants stated that the developer would build a state of the art wastewater treatment facility. It would be built to serve the MPR only; it would not be used to serve any of the areas outside of the MPR. She stated that was an important point because such urban services were not allowed in the rural area (outside of a MPR). She stated that they did not have an actual sewer plan yet, but they were looking at options. However, they were looking for a system that would deliver Class A water that could be re-used onsite for irrigation and to supplement the FireSmart system. That system would be turned over to the Jefferson County PUD for ownership and operation. She stated that the developer would build a potable water system to serve only the MPR.

Referring to the sewer system, Pat Rodgers asked if there would be enough capacity to add additional service area to it, noting that there were state laws concerning Hood Canal and the need for cleaning up the Canal. Sandy Mackie responded that the nature of package plants was that they came with

the ability for incremental growth. He stated that a sewer system was to be designed to serve a UGA or an identified health hazard. He stated that if the PUD found an identifiable health hazard and it fell within that matrix, the capability to expand the sewer system was there. You would have to consider the site and determine the capacity because it was an onsite discharge system, so there would be issues there. Mr. Mackie stated that what was important was that the MPR was not to be used to encourage urban growth in rural areas or to encourage sprawl. Mr. Rodgers stated that the concern with the Hood Canal was failing septic systems. Mr. Mackie stated that if there was a failing septic system problem and the PUD wanted to incorporate that into this system, he thought it would be possible. Susan Rants stated that one of the positive things about the development plan was that the current marina pumpout station and the current development was now going up to an uphill drainfield site. They would be pumped to the new sewage treatment facility instead. That would improve that condition. She stated that the intent was that there would be no impacts, no runoff, and no effluent that would make its way to Hood Canal. She stated that they were keenly aware of the issues surrounding Hood Canal.

Susan Rants stated that the development would be served by an existing well in the RV park with a backup well to be drilled. They would also harvest rainwater for irrigation on the golf course, which would recharge the aquifer. She explained how they would use the existing kettle topographic features for rainwater storage. There were also existing wetlands that may be able to be used.

Susan Rants stated that the MPR would be developed primarily in two phases. The first phase would be the golf course and its amenities, which would take around three to four years. The second phase would be the marina village.

Susan Rants stated that preserving the environment was a very important concept for this proposal. She referred to the material the Statesman Group had provided which indicated that "green" was always foremost. She explained many of the techniques they would use to lessen impacts. They included low flow water fixtures, using the existing road system, using native plants that did not require high water usage and which were more fire safe, keeping a clear zone around the structures, shared driveways, and using natural drainage features.

Susan Rants stated that Don Largen was present and would be doing the SEPA work for the project. She stated that he would do an EIS for the project. She stated that they had done a cursory review of the sensitive impacts on the site, but they thought they had a good idea of the issues to be addressed.

Jim Hagen asked if they would use low impact development practices. Susan Rants replied that they would do so wherever they could.

Susan Rants stated that, through the EIS process, they would look at the critical areas in detail, cultural resources, wetland delineations, slopes, wildlife habitat, etc. Peter Downey asked if they would consider existing shellfish beds in the area. Ms. Rants responded that they knew of a bed to the south of the site.

Sandy Mackie stated that he would advise the client on the process and procedure. He stated that the state law enabled MPRs to be put in under the MPR program, requiring an amendment to the Comprehensive Plan. Therefore,

the first step before the Planning Commission and BOCC was this Comp Plan amendment to designate this area as a MPR. He stated that the current Comp Plan enabled the county to consider MPRs in certain areas of the county, with this being one of those potential areas. In order to achieve that status, they also had to have a Master Plan approved. It was an organic document that would create the zoning and building pattern for the plan. The Master Plan would be more elaborate. It would show what kind of buildings went where in each phase, how it would be served with utilities (sewer and water), fire service, transportation, etc. He stated that this was also a project that would require some construction within 200 feet of the shoreline, which would necessitate a shoreline permit both for the golf course side and for the marina side. That was a separate permit requirement.

Sandy Mackie addressed the environmental review. He stated that they had also agreed with the county that the proposal would require an environmental impact statement [EIS]. He explained that they had already identified many environmental issues that would have to be addressed. He stated that they had pulled any housing back outside of the shoreline jurisdiction. The shoreline permit would be required for part of the golf course.

Sandy Mackie stated that environmental review would be done concurrently with the Comp Plan amendment review. He stated that the target was to have the draft EIS done in time for the Planning Commission public hearing on the project. That would allow people to use the Planning Commission as the public hearing forum for environmental issues as well as having the 30-day written comment period for the EIS. Then the Planning Commission could make a recommendation to the BOCC on both the EIS and the Comp Plan amendment at the same time. Mr. Mackie stated that there was also a development agreement that went along with the package that was required by the county code. He stated that the Planning Commission's recommendations could be incorporated into the development agreement. Al Scalf suggested that the Planning Commissioners review the UDC section on development agreements and the Planning Commission's role in holding the public hearing.

Susan Rants stated that they had several copies of a brochure on the project for anyone to take. It contained questions and answers on the project. She stated that the goal was to have a transparent process. They wanted to build a development that would be received well by the community. She stated that the development would be open to the public; it would not be private.

Pat Rodgers asked about the ownership of the properties and the comment that there would be no permanent residents. Sandy Mackie replied that the property was currently owned by an ownership group that had offered to sell the property to the Statesman Group. If this amendment process was successful, then they would acquire the property. Mr. Mackie explained how a "condotel" worked. The units were owned by private investors and were managed by a management company for transient use. He stated that there would likely be some permanent residential use for support staff, although they had not yet decided where those residences would be situated. He stated that the development was not intended for long-term single family homes; it was intended to be operated as a resort.

Pat Rodgers asked if the owners of the condos would be able to live there or whether they would be precluded from doing so. Sandy Mackie replied that there was a certain rental obligation, although the owners would certainly be able to use their unit. One of the things they had to watch out for with a MPR was that it not become a fully contained community; a MPR was designed

for transient use. He stated that part of the development agreement would set out the ground rules. Live-aboards in the marina would be another topic.

Peter Downey stated that there were currently some live-aboards in the marina. He asked if they would be changing the rules for those people. Sandy Mackie responded that there were a few people who owned their slip. To that extent, that ownership interest was theirs and was vested. In terms of management maintenance and making sure things were run as a properly functioning marina, they would adhere to the current DOE and county rules.

David Sullivan asked about the 290 slips in the marina. Susan Rants replied that was the current number of slips; it would not be an increase. Sandy Mackie stated that there were no plans to expand the marina. He stated that the marina piece of the development would be in Phase 2. It was not being as closely considered right now; they were concentrating on the golf course side of the development. Ms. Rants stated that they were considering replacing the shoreside buildings. Mr. Mackie stated that he understood that the marina was expanded four to six years ago.

David Sullivan asked if there would be assurances that every phase would be completed as part of the development agreement. Sandy Mackie replied that was one reason the county required a development agreement. Because a project of this type was so large, it had to be developed in phases because the construction season was limited. What was achievable in a building season was outlined in the development agreement. Another reason for building in phases was to coordinate which capital facilities went with which phase.

David Sullivan asked about public access to the beach areas as well as the other areas of the development. Sandy Mackie replied that the whole development would be open to the public. Part of the Shoreline Management Act was to allow public access to the beaches. However, the more public access to the beach you had, the more issues there may be with shellfish, etc. Given the topography, beach access was limited. They would be looking at that whole issue during the environmental review. Peter Downey asked who owned the tidelands. Mr. Mackie replied that he did not know. An audience member stated that it was owned by the state Fish and Wildlife and the DNR. Mr. Mackie stated that was a clarification they needed to get.

Pat Rodgers stated the understanding that part of Commissioner Sullivan's question was assurance that amenities that were promised were actually accomplished. Sandy Mackie stated that there were actually three controls to that. Within the shoreline jurisdiction, you had the shoreline permit. For the whole area, there was the plat approval. For example, before they could record a final plat approval, they would have to provide specified elements. Also, the development agreement would talk about certain capital facilities requirements, e.g. a traffic light at completion of a certain phase or a certain traffic threshold.

Jim Hagen asked about the amenities for a commercial village center and/or conference center. Susan Rants replied that they planned for both. Sandy Mackie stated that the conference center, including a restaurant, would be on the golf course side of the development with commercial facilities on the marina side being done in Phase 2.

Al Scalf stated that Brent Butler would be the staff planner assigned to the MPR amendment. He stated that there were currently no development permit

applications. So the only permit before the county at this time was the Comp Plan amendment application for the MPR designation. Sandy Mackie stated that they anticipated applying for other permits when they got farther into the environmental review, when they would know if there were any "black holes" that may derail the project. Susan Rants stated that they intended to meet on a regular basis with staff.

Al Scalf stated that the current zoning was Rural Residential 5, 10, and 20. He stated that the Comp Plan amendment was under the GMA at RCW 36.70A. The development agreement was at RCW 36.70B. He asked Mr. Mackie to explain 36.70B.170 and how the development agreement process allowed a MPR to be done outside of the current zoning. Through the development agreement, you could literally have a different zoning code for the MPR, including urban densities. Sandy Mackie stated that, ultimately, the development agreement ran parallel with the MPR. It was the contractual basis that allowed you to delineate the standards for the MPR that would be in effect in the future and vested assurance to the developer that the rules would not be changed during the process of building the development. The development agreement would be tied to the master plan. In their view, it would also be tied to the preliminary plat. Mr. Scalf stated that his point was for the Planning Commissioners to read the development agreement section where it specifically addressed MPRs. Mr. Mackie stated that in order to achieve the increase in density over the current zoning, you had to first amend the Comp Plan. If the Comp Plan was not amended, then the project could not go forward. Mr. Mackie stated that RCW 36.70B said that the development agreement had to be consistent with the zoning, but the development agreement would not get approved until after the MPR was approved, thus making the development agreement consistent.

David Sullivan stated that another piece was the Brinnon Subarea Plan which talked about appropriate scale and intensity. While he was not sure what that meant, it was something that should be considered during the process. Al Scalf stated that a finding was the conceptual master plan as it related to the Subarea plan, which was the starting point. Sandy Mackie stated that one reason the legislature put MPRs as a second category was to differentiate between a rural motel like Mike's Beach in Mason County and a MPR. The intensity of development, often requiring sewer, was what made the difference. By approving a MPR in this area, the notion was that it would be more intense than what you would find in a rural LAMIRD or other rural types of development. The reason it was a full amendment of the Comp Plan was to allow you to look at the intensity of the resort. By definition a MPR would be more intense.

Peter Downey asked if the development would require any new access permits from the DOT for Highway 101. Susan Rants replied that they knew they would have to coordinate with the DOT on the intersection. She stated that they knew they would at least need acceleration and deceleration lanes on Highway 101. She stated that there was a very formal, set process that was gone through to determine the appropriate mitigations.

MLA06-01, Arthur D. Bell:

Brent Butler provided a summary of the amendment, which would change the Rural Residential zoning of a 12.5-acre parcel on Discovery Road from RR 1:10 to RR 1:5. The property was jointly owned by Jeanne Moore and Raymond Anibas, who had purchased it as a couple but had since dissolved their relationship.

Art Bell stated that the property was in an area that was surrounded by 5-acre parcels. They wanted to be able to divide the property into two parcels in order to develop two residences. He stated that the property abutted onto Cougar Ridge. Mr. Bell used a display board to draw an outline of the property, which was triangular in shape. He explained the current access on the property and the location of another potential access. There was already one dwelling and a septic on the property. Their desire was to divide the property into a 5-acre parcel and a 7-acre parcel.

David Sullivan asked about the property in relation to Cougar Ridge. Art Bell pointed it out on the map, noting that one edge of the property abutted Cougar Ridge. He stated that they would access the one proposed parcel from either South Discovery Road or from Cougar Ridge, if he could work out an agreement for its use.

Al Scalf explained the process, beginning with the Comp Plan amendment rezone. Then a short plat permit, which was an administrative decision, would have to be applied for and granted. That would go before the BOCC for final plat approval to create two lots.

Brent Butler asked about the zoning around the subject parcel. Art Bell replied that there were 1:5's to the north, east, and some to the south. There was one 20-acre parcel bordering the property on the west that was zoned RR 1:20.

Jim Hagen asked about the Planning Commission holding a site visit. Art Bell replied that he would welcome a site visit. Al Scalf stated that there was a formal protocol for doing so, but it could be done.

MLA06-74, Drew Austin:

Kyle Alm provided a summary of the proposal which was to rezone a 30-acre parcel on South Jacob Miller Road from RR 1:20 to RR 1:5. The property was located outside of the city of Port Townsend. He stated that there were other RR 1:5 parcels to the north and south of the subject property.

Drew Austin stated that the property had been in his family for over fifty years. After his father's death, they realized that, financially, they needed to access the equity in the property. With the current zoning, that was impossible and it had created a financial hardship. That was the reason for their request.

In response to Al Scalf's question, Drew Austin provided information on the existing structures and well on the property. There were two residential structures and two septic. Mr. Austin stated that there was an existing easement on the property that would provide access to the proposed divided parcels.

Jim Hagen asked about the zoning around the property. Drew Austin stated that it was almost all RR 1:5. He stated that there were some larger parcels nearby that were zoned RR 1:20. He stated that the property had been a 40-acre parcel at one time. They had sold a 10-acre piece prior to the GMA zoning. Mr. Austin stated that his elderly mother did not want to leave her home. Mr. Hagen stated that the intent was to continue living on one parcel and selling the other created parcels. Mr. Austin agreed that was the plan.

Kyle Alm explained that the larger parcel behind the subject property was not zoned GMA commercial forest land. While it was forested property, it was zoned RR 1:20.

Al Scalf explained the process for both a short plat and a long plat. The short plat process was an administrative process. A long plat (five lots or more) was more involved with a public hearing before the Hearing Examiner. Mr. Scalf stated that they could get two parcels right now under the density exemption because there were two existing structures with two existing septic systems, depending upon when they were permitted and installed.

MLA06-77, Eugene Brown and DCD:

Kyle Alm explained that this was a Convenience Crossroads designation request for LAMIRD criteria under GMA. It related to a pre-1990 built environment. Al Scalf stated that this was a carry over from 2001 when the application was submitted by the owners originally. At that time, the county decided to "put it on the shelf" pending the UGA review and designation. Given the current UGA dispute, the county had elected to bring it off the shelf and let the proponents apply for a LAMIRD.

Eugene Brown stated that this was something his family had been involved in for a number of years. It had been a commercial site for at least fifty years. They wanted to see that operation back in some form to support the Irondale community. He offered the opinion that the Irondale community would develop into a community that would primarily be young families. He thought there would be a need for a small store to provide a center to that community. He thought a logical place for a small store was the historical location. Therefore, they were applying to put it back into a proper designation.

Phil Johnson asked how large the property was. Kyle Alm replied that it was about 0.7 acre. It was currently designated Rural Residential. Eugene Brown described the location of the property.

Jim Hagen asked for clarification of why the proposal was put on the shelf. Al Scalf replied that the county put it on the shelf pending the outcome of the UGA.

Edel Sokol asked about the septic. Eugene Brown replied that the business did not have restroom facilities. The septic on the property was for the residential building onsite. Mr. Brown stated that it had public water service.

Pat Rodgers asked when the store ceased operation. Eugene Brown thought it was around 1987-1988, just awhile before the GMA. He stated that his brother had operated and then closed the store, and at the time of the Rural Residential designation, did not care.

Al Scalf stated that LNP 5.2 would be the applicable Convenience Crossroads description.

Eugene Brown stated that when sewer came to the area, it would likely come by the store due to the topography.

Al Scalf asked about the water service. Eugene Brown replied that there was one water meter but there were two taps. David Sullivan commented that the PUD would be able to upgrade the water service easily enough.

Jim Hagen asked if the property would fall under the UGA commercial designations if the UGA was finalized. Kyle Alm replied that it would have been designated urban commercial under the UGA. He stated that the fact that the business ceased operation was immaterial; the key was built environment and what was there in 1990.

Peter Downey asked if the gas tanks were still in the ground. Eugene Brown replied that the original tanks were still there.

MLA06-85, Port of Port Townsend:

Kyle Alm summarized the proposal. He explained that the Port was in negotiations with a private land owner for a land exchange. Essentially, the Port wanted to swap properties and designations. This proposal was for a 2.5-acre parcel owned by the Port across SR 19 from the airport at the intersection with Woodland Drive. The request was to change the designation from Airport Essential Public Facility (AEPF) to Rural Residential.

Edel Sokol stated for the record that she would recuse herself from any deliberations on this amendment.

Larry Crockett and Jim Pivarnik, Port of Port Townsend, were present to describe the proposal.

Jim Pivarnik stated that they had about 400 acres at the airport that was in the AEPF designation. He stated that the subject property really did not serve the airport. It was across Highway 19 from the airport. It was a wooded site. Another site was a cleared site near the end of the runway at the intersection with Prospect Avenue. It was not owned by the Port. He stated that the Port had been approached by the owner of that property to do a land swap. He stated that the Port had wanted to acquire that property for some time. He stated that the property owner had a need for the Port's 2.5-acre parcel for his grandson. He wanted to use the parcel to protect the view corridor for his grandson's house. Mr. Pivarnik stated that they were proposing to remove the 2.5-acre parcel from the AEPF and, in exchange, put the other parcel into the AEPF. He stated that a private citizen could not own any AEPF land. Therefore, they needed to go through the Comp Plan amendment process in order to make that exchange possible.

Larry Crockett stated that the property the Port wanted to acquire was within the FAA safety zone. That was an area where you did not want any structures in case an airplane had to set down in an emergency. In response to Peter Downey's comments, Mr. Crockett explained that, while they could just purchase the safety zone property outright, it saved the taxpayers money by doing the land exchange.

Mike Whittaker asked if it would be a straight across swap. Jim Pivarnik replied that they were still negotiating. There was an issue because the Port parcel was wooded, so there was some timber value to consider.

David Sullivan asked whether there would be any restrictions on the wooded parcel in terms of development or trees remaining. Jim Pivarnik responded that the Port Commissioners wanted them to talk about some kind of

conservancy, at least, in the negotiations. Larry Crockett stated that, to his untrained eye, he thought the parcel should at least be thinned.

Phil Johnson asked about the sizes of the two parcels. Jim Pivarnik replied that both parcels were 2.5 acres. Larry Crockett thought it was pretty straightforward because there were no utility issues for either parcel because there was nothing to be built on either one.

Jim Hagen stated normally they would move on to the suggested amendments since the focus of the meeting was the presentation of the amendments as part of the joint workshop. However, due to the extraordinary circumstances with the turnout, he opened the meeting to public comments on the amendments presented so far. He reiterated that this was not a public hearing, but the comments would be incorporated into the Planning Commission's minutes.

Don Coleman stated that he had some environmental questions [about the MPR proposal], but he thought they had been addressed. He stated that he had a book on low impact development that he wanted to submit to the Statesman representatives.

Gene Thompson stated that they would like to get a brochure on the MPR proposal. He wanted to see more details on the project.

Jim Hagen reiterated that, as the process unfolded, there would be other opportunities to gather information and for public participation.

Ron Stephens stated that his environmental questions had been pretty much answered.

Bob Herbst stated that he was the fire chief in Brinnon. He stated that his question was specific to his employment. One of the things discussed [about the MPR] was a fire suppression system. He understood from the presentation that the Class A effluent from the sewage system would be supplying the fire suppression system. He asked if that was correct. Susan Rants replied that a portion of it would be supplied in that way. Mr. Herbst asked if it would be a gravity feed system or a pump system. Ms. Rants replied that they were not that far in the planning yet, but it would likely be a pump system. Mr. Herbst asked if there was a backup system planned in the eventuality that the sewer system went down, although he realized it may be a premature question. Ms. Rants replied that it was premature but they would have to take that into consideration.

Joan Hendricks expressed concern with runoff from the golf course [the MPR] given the Hood Canal low dissolved oxygen issue.

Ted Labbe, Port Gamble S'Klallam Tribe, encouraged the MPR proponents to do outreach to the affected tribes (Port Gamble S'Klallam, Skokomish, and Jamestown) because this area fronted directly on a major shellfish beach for the tribes. He pointed out that the tribes managed the resource in partnership with the state. He encouraged the proponents to have those discussions early.

Jack Turner, Skokomish tribe, imagined that the EIS would discuss the shellfish issue, noting that it was a usual and accustomed location for the tribes. There were also water rights issues to consider.

Kirie Pedersen stated that she was a Brinnon resident and a representative of the Better Brinnon Coalition. She submitted a letter that addressed some environmental concerns that were previously brought before the Hearing Examiner when the MPR was proposed before and given a DNS by staff. She believed that those issues remained to be addressed.

Cleo Austin stated that they had lived on their property for over fifty years. She stated that her husband had designated an easement through their property to make sure it could be accessed conveniently if they ever divided.

Lawrence Dimino, a Brinnon resident, stated that this MPR proposal could be positive for the community. It could also have some negative impacts if everything was not considered. He stated that it appeared we were certainly considering environmental impacts. They seemed to be doing a good job of that. However, he would like to see some consideration given to the economic impact to the community itself and some planning done for that. He stated that he had sent an email to the Statesman Group. He believed there needed to be some organization in the town so that they could have some coordinated development planning going on within the town with the residents who lived there. He stated that the approximately 1100 units going in at the MPR would not be inexpensive units. He thought that property values around town would go up as well. He thought they could work together with Statesman Group to do some co-development in the town. He thought Statesman could work with the town on a water system for the town, at least in the form of engineering help or lobbying with the state for grants. He stated that he had been talking to a lot of people in Brinnon. There were a lot of people who were very concerned about the proposal. He thought it could be a wonderful thing for Brinnon and he would like to see it happen. However, he wanted to make sure we looked at all the angles and did the best job we could so that it worked out well.

George Sickle, Brinnon, stated that he was on the Brinnon Subarea Planning Group that developed the adopted Brinnon Subarea Plan. It was within that planning document that the community came up with the recommendation that Black Point be looked at closely as a MPR in the future. Having gone through that arduous process and numerous public meetings, the majority of the people in Brinnon were supportive of that. He suggested that the commissioners review the Brinnon Subarea Plan section on the MPR.

Jim Hagen stated that this would be the last meeting for two of the Planning Commissioners - Allen Panasuk and Phil Flynn. He thanked them both for their service.

Staff handed out copies of the supplemental information notebook for the MPR provided by the applicant.

MLA06-78, Dennis Schultz:

Jim Hagen stated that the proposal had been discussed by the Planning Commission. He provided a summary of the proposal. It would replace the combined land use and zoning map in the Comp Plan with a more general land use designation map and place the more specific zoning classifications and associated development densities in the UDC. The result would be that requests for a change in zoning density within a land use designation, e.g. Rural Residential, could be processed outside of the annual Comp Plan amendment cycle. The process would continue to involve public review through the Planning Commission and a legislative decision by the BOCC.

Brent Butler asked how cumulative impacts would be addressed. That question should be considered. Jim Hagen responded that the discussion around that revolved around the lack of frequency and the number would not necessarily create an undue burden as far as individual impacts. He thought the cumulative impacts question was a valid one. Mr. Hagen stated that the impetus for this suggested amendment was to get rezones out of the annual Comp Plan amendment cycle. One result of this proposal would be to spread the rezones out throughout the year. Mr. Hagen stated that the Comp Plan was a policy document and the UDC was the implementing tool for that. They thought the Comp Plan should just address a variety of residential densities in a general way with the specifics being in the development code.

Peter Downey stated that one point that should be made was that the intent was to streamline the process. It was not to reduce any environmental review. He stated that the Comp Plan amendment process was large and cumbersome and time consuming. If we could get through the exact same reviews without having to go through a cumbersome process, we would be doing a better job for the county. He stated that the intent was not to have a proposal have less review, environmental or otherwise. But it could have less administrative burden.

David Sullivan stated that the dilemma he would want the Planning Commission to consider was responsivity versus certainty - being responsive to that need for change and yet that desire for certainty that people had with zoning and what would happen next door. Jim Hagen commented that he did not know that the suggested process would affect that any more than the current process. It would change the timeline, but we would still have people requesting zone changes. The difference would be whether it was done through the Comp Plan amendment cycle or through a UDC process. There was still the possibility that the zoning that people were accustomed to would change.

Bud Schindler stated that there was a precedent for using this kind of process in that other jurisdictions were using it successfully.

Brent Butler stated that he had received a question from a member of the public about how this would be noticed to the public. Kyle Alm stated that it would still follow the same timeline as any amendment to the UDC. It would still go through a Planning Commission public hearing and then on to the BOCC. Noticing could be worked into the process. He thought we could be a little more responsive, especially in cases of rezones in Rural Residential districts. It was important too to state that all of your development regulations needed to be consistent with the Comp Plan. He stated that if someone wanted to do a rezone from Commercial Forest to Rural Residential, it would still take a Comp Plan amendment. This suggestion would only be used for rezones within the same zoning designation. Peter Downey pointed out that, of the five site specific Comp Plan amendments, three would still have to go through the Comp Plan amendment cycle under this proposal.

Jim Hagen stated that one of the things that had been discussed was the fact that the Comp Plan was adopted in 1998 while the development regulations were not adopted until 2000. Even after the 2004 update, there was still a lot of regulatory language in the Comp Plan, noting that LNP 3.3 was an example that should reflect more policy guidelines instead. One of the intents of this suggested amendment was to get more of the regulatory language into the development code.

Al Scalf stated that the staff planner for this proposal would be Kyle Alm.

Sandy Mackie encouraged the county to take this step. He stated that there was a hierarchy of planning documents under the GMA. He stated that the Comp Plan was the visioning document. The zoning ordinance was the real world implementation of the vision. The capital facilities plan was the implementation of services for the vision. He acknowledged that you needed to adopt the Comp Plan and the first zoning map together so that you could establish the zoning criteria. After you've done that, as long as someone met the criteria for a zone change, it could be done through the UDC. He thought the suggestion provided some flexibility. Concerning the environmental review, so long as the change was within the range of alternatives considered in the EIS, it should be alright. He thought it was a good idea. It gave the county some tools at the project level and application level as well. He thought the county had too much unnecessary process that sometimes got in the way of doing the right thing. He liked to encourage folks to be as efficient as they could while being as consistent with all of the environmental protections that were built in.

Nancy Dorgan asked about whether the process as proposed would be easier for the applicant. She did not see that it would necessarily be easier at all. She was concerned that people had an expectation of what their area was like and would be like in the future. That was supported through the Comp Plan.

MLA06-86, Department of Community Development:

Brent Butler stated that there was a provision in the GMA to allow the transfer of development rights [TDR] away from resource lands. What this suggested amendment did was to create a mechanism by which we could transfer development rights within the rural areas of the county. He stated that there was a line-in, line-out proposal included in the application that addressed how to change the Comp Plan so that a TDR program could be established. He thought a TDR program could facilitate rezoning. He thought that some of the amendments proposed tonight could use a TDR program to purchase a development right as opposed to going through the Comp Plan amendment process.

Brent Butler stated that one of the concerns was that we have a public benefit rating system. He stated that there were various mechanisms for rating; there was no one standard. He stated that the sending sites would be high in public value. The receiving areas would be for people who were specifically looking for an upzone. They would have to fall within an area that could accept the additional intensity. One of the hallmarks of a TDR program was to assure that it would not encourage sprawl but that it would allow a transfer component. He stated that the Planning Commission had a committee working on the TDR issue trying to address the finer points.

Peter Downey stated that the intent was to provide a mechanism so that development rights could be transferred away from areas where we wanted to preserve and protect environmental resources.

Jim Hagen stated that most of the examples the TDR Committee had looked at were for transfers from sending sites in the rural areas to receiving sites in the urban areas. He asked if there were provisions for rural to rural transfers that would accommodate the type of Rural Residential density changes that were described in some of the policy language change. Brent Butler responded that Mr. Hagen was correct in that most of the examples were

transfers from the rural areas to within a UGA. However, there were examples that showed rural to rural or rural to a LAMIRD or other areas that had a more intensive use were possible. He stated that he was discussing the issue with CTED to make sure that any policy language was allowable under the GMA. He stated that there was some line-in, line-out language that addressed the issue.

Bud Schindler asked staff to address CTED's response to that question. Brent Butler responded that CTED had said that one of the most important things was that the receiving area must have adequate infrastructure. Al Scalf stated that an example was the flood area in Quilcene and the associated fish and wildlife habitat. The question was whether we could transfer some of those development rights into the Quilcene LAMIRD to provide additional density. He stated that we were very interested in that. Another example was the ability to transfer development rights from the farmlands in the Chimacum Valley to the Tri Area UGA.

Al Scalf stated that he did not think this proposal would get up and running in a year, but we would like to have it available when we got the UGA established. Jim Hagen stated that his research into other models around the country indicated that a recurring theme for success was the designation of a strong supply of receiving areas. Those sites existed primarily in the urban areas. He thought that indicated that a fully sized and serviced Tri Area UGA would be an essential component to the success of a TDR program. It may not just be for rural density transfers but also had the potential for commercial credits to be purchased.

Brent Butler stated that the commercial density idea was being addressed. He stated that it should be noted that other areas that might have the potential for increased density were MPRs, if they had the infrastructure in place.

Pat Rodgers stated that he did not understand transferring development away from a critical area that was constrained anyway to something that by definition was supposed to be more densely developed. He stated that we were charged with the fundamental responsibility anyway to accommodate the growth that came into a community and it needed to be within the urban growth areas. He stated that if those growth areas could no longer sustain that growth, then we needed to make a change. He did not understand what was actually happening with the TDR program. Kyle Alm stated that there may be instances when developers could actually want more density than we had designated for certain sites. He stated that a TDR program was listed under the innovative techniques under the Rural Element. He stated that the main concern was that we not encourage sprawl. Al Scalf stated that an example might be that instead of 4:1 in the urban area you could have 8:1 through a TDR. Mr. Alm stated that the TDR could be purchased from a resource land like ag or commercial forest.

Jim Hagen stated that a lot of these programs were successful back East because what you had was sprawling metropolitan areas going into farm land that could be developed into suburban densities or even commercial forest land that could be developed into suburban densities. He stated that this state had some very strict zoning regulations. In this county, if you wanted to go into commercial forest land, we were talking about one dwelling unit per eighty acres (1:80).

Jim Hagen questioned whether it was something we really needed given the amount of protections we already had for our valued areas. Brent Butler

responded that sometimes it was hard to judge when the jury was still out on certain programs. He referred to research that was being done analyzing all of the counties in terms of how successful the programs had been and how they were structured. He thought we might be able to borrow from that so that the concerns mentioned could be addressed. David Sullivan stated that it would be interesting to see if that had been tested at the Hearings Board or even in court.

David Sullivan asked if staff envisioned a connection between the two areas. Examples were the farmland in Quilcene and the downtown of Quilcene or the floodplain in Brinnon and the MPR. He asked if those examples were valid possibilities or if staff thought it would more likely be the floodplain in Brinnon being for Port Townsend. Brent Butler replied that initially he had envisioned that it would be an area-wide program. However, he thought it was possible to have receiving areas close by the sending areas. He thought a receiving area might very well be in Cape George where something could go from 1:10 to 1:5, which would facilitate a rural transfer. In that way, a family could subdivide in order to allow a child to build on the family's property, provided it met the criteria of generating an overall public benefit.

Edel Sokol asked if the City of Port Townsend was on board with this. Brent Butler stated that the city had indicated that next year would be the appropriate time for such amendments. Kyle Alm stated that he knew the city was talking about an Upper Sims Way project and that it had been talked about as a receiving site.

Jim Hagen asked if TDRs were addressed in the County-wide Planning Policy [CWPP] or whether they would have to be amended. Brent Butler replied that the CWPP talked about density transfers, which could be interpreted as TDRs.

Al Scalf stated that our goal was not to necessarily create a situation for the city. Pat Rodgers agreed, stating that we had a UGA in the Tri Area to consider. Mr. Scalf stated that the TDR technique to allow some transfer of those development rights could be for various incentive reasons. Edel Sokol stated that she could see a huge benefit for the West End in particular. She thought there were a lot of farmers who could benefit because they could not do anything with their land.

Peter Downey stated that he saw issues that needed to be worked out before he could be comfortable with the proposal. Al Scalf stated that the Planning Commission would hold a public hearing on the docket on April 5, with a staff report preceding that. Then the commission would discuss whether it should go on the Final Docket. Mr. Downey stated that he would hate to see a transfer from one piece of property we wanted to preserve to another piece of property we wanted to preserve as well. The question was how to prevent that from happening.

Jim Hagen stated that another thing to look at was the priorities for the year and how much staff time was available to do it. He stated that we needed to consider how much staff time it would take away from more pressing needs. It was something to consider in the debate. Al Scalf commented that he would like to have it available for the Hadlock UGA.

Ted Labbe stated that the receiving areas would be very important. He asked if staff had considered engaging the city as a receiving area for these development rights. Brent Butler explained that he had contacted the city.

City staff had indicated that it was not in their cycle at this time; 2007 would be the appropriate time for the city to address it in a Comp Plan amendment. He stated that county staff was working on the analysis and how to do it in the rural community. He thought it could be addressed with the city at a later time.

Bud Schindler asked if there would be the ability within the UGA to be a receiving area, once it was established. He wondered if we needed to do anything special to our Comp Plan. Al Scalf replied that we would. Mr. Schindler stated that we should then do everything we could now so that it would be ready for the UGA. Edsel Sokol offered the opinion that there was not enough land within the UGA to accept all of the development rights that may be eligible for transfer. Mr. Scalf responded that it was a question to consider.

Jim Hagen stated that one issue he had come across was whether water rights were also transferable along with the development rights. Kyle Alm replied that they were not. Mr. Hagen stated that there were questions emerging. In the general picture, we were seeing eminent domain used not just for land but for water rights too. Mr. Alm stated that the state owned all water, but they granted the right for use. Mr. Hagen stated that it was an issue he had come across in his research into other areas of the country and it may become an issue as water increasingly became an issue.

Brent Butler stated that the Assessor had told him that a transfer of development right would be recorded on the deed of the property. It would be handled as a regular property transfer.

Bud Schindler stated that he had put in a suggested amendment for a side by side comparison of the Comp Plan and UDC but he did not see it included on the Preliminary Docket. Brent Butler asked if Mr. Schindler had filled out an amendment application form. Mr. Schindler replied that he had misunderstood and had assumed that it would be on the docket. Kyle Alm stated that it was a topic that could be worked on this year for an application next year.

C. DISCUSSION ON PLANNING COMMISSION PROPOSED WORK PLAN

Jim Hagen raised the issue of the UDC Omnibus and suggested that the group spend some time discussing it. He stated that he could not say enough about the job the staff did and the public involvement. The amount of public notice was extraordinary. Now it was coming back to the Planning Commission, which was discouraging. He stated that he would like to know what was happening with it. He wondered about the public hearings that would need to be held. He thought it could take a tremendous amount of time and effort, when a tremendous amount of time and effort had already been expended.

Bud Schindler stated that he had still not received a rationale for what happened. He did not understand what went wrong. He stated that communication was very important in a process like this. He thought a lot of communication went up, but none came down when there was a difficulty. The lack of communication was disappointing to him.

David Sullivan stated that he thought the motion the BOCC took tried to say it. The BOCC wanted the reasoning for the changes, but it was not something they could have explained. It was not something they could see from the Planning Commission in the packets they received. So when they asked for the

reason for a change, they could not get an answer. Bud Schindler stated that he did not remember seeing questions coming from the BOCC to the Planning Commission. Pat Rodgers stated that the BOCC questioned staff and they could not answer. He stated that they could not get answers to their questions from the Planning Commission minutes. Mr. Rodgers acknowledged that the Planning Commission and staff had likely done all of that work already but the BOCC could not get to it. He offered his appreciation for the work the Planning Commission did. He stated that they just wanted the rationale for the changes. He thought it may be as simple as a consistency issue, for example. He stated that it left the BOCC to ferret out the reason and they just did not have the time. He stated that he knew the Planning Commission had already done all of that work, but the BOCC simply wanted to know the answers to it but it was not available to them.

Jim Hagen stated that there were a lot of questions answered and there were a lot of questions being asked. He hoped there could have been an alternative process or a mechanism where the BOCC could have said they had questions and would table the deliberations until they received the answers. He had thought the site specific Comp Plan amendment process last year had been a wonderful example of communication between the BOCC and the applicants in working out the questions the BOCC had. Mr. Hagen thought that if the Planning Commission could have had a similar communication with the BOCC, the commission could have provided answers within a week or two. Then we could avoid the work that the Planning Commission and staff would have to conduct this summer when, as the BOCC could see, there was a tremendous workload as it was.

David Sullivan stated that it would be hoped that it would be simple enough for the Planning Commission to reconstruct its rationale for the changes. He reiterated that the BOCC's questions related to the rationale. He stated that the other part of it had to do with the advertising. He stated that some of the changes were not adequately advertised, in the BOCC's opinion, so that the public could conceivably not have known something was being changed. He cited an example of the ADU section regarding the caretaker language that was being changed.

Edel Sokol asked if the commissioners had marked the sections where they had questions. David Sullivan replied that he had. Ms. Sokol asked for a copy of those notes. Mr. Sullivan replied that he would be glad to provide them, although staff should have it. Al Scalf stated that staff did have the information.

Phil Flynn asked where the failure was and how to fill the hole in the process. The group discussed whether changes were substantial or not. David Sullivan stated that, for some of them, he did not know if they were substantial or not because he did not know the reason for the change.

The group discussed the advertising issue, how much advertising was enough, and the cost of advertising. Al Scalf stated that the legal opinion was that the advertising had to capture the intent of the proposal. Therefore, staff made the call about what to include in the advertisement. David Sullivan stated that his opinion was that another half page of ad copy would have been enough to cover the issues the BOCC felt were not sufficient. Edel Sokol stated the opinion that the BOCC should tell staff what and how much advertisement should be adequate.

Bud Schindler stated that he kept thinking about using the online tool. He stated that the advertisements indicated that people should go to the online document to view the details. Pat Rodgers stated that there was a recent Supreme Court decision on eminent domain that allowed the only notice to a property owner to be a notice in the paper. If that was sufficient, then this was far less impact.

Jim Hagen stated that, unfortunately, this all came up at the end when so much work had already been done. If there were concerns about the noticing, and he assumed the BOCC had been reading the noticing, he wondered if there had been any communication to staff that it was insufficient. Concerning the web page, he offered the opinion that DCD had a fantastic web page. He read a portion of the Omnibus web page that said "The Omnibus is a package of proposed code amendments developed through comprehensive review of the UDC. County staff, in collaboration with the Board of County Commissioners and the UDC Committee of the Planning Commission, has prepared a preliminary amendment package that was approved by the Planning Commission on July 20, 2005, for formal public review." He stated that when it said "in collaboration with the County Commissioners" he took it to mean that the BOCC was involved. He would have thought and hoped that the BOCC would have raised the current questions about rationale and noticing while the Planning Commission was in the process of the work plan in 2005 when the Planning Commission could have worked on them and more efficiently provided answers. He stated that the Planning Commission wanted to present a quality product to the BOCC.

Kyle Alm stated that we had spent an extraordinary amount of public outreach, starting with the LUPEDAP in 2003 when Randy Kline still worked here. He thought it was unfair to ask current staff to identify every rationale. Mr. Alm stated that, with due respect, the BOCC had the Omnibus document for three months before acting on it. Pat Rodgers stated that it would be nice to give the rationale for the changes as you go through it. Mr. Alm responded that the staff report contained a lot of the rationale, although it did not address every single change. Mr. Rodgers stated that the BOCC needed to know the rationale in order to support the changes. He stated that the BOCC held different opinions, but for himself, when he reviewed a document, he wanted to know the rationale for the changes. He thought that should be the standard procedure.

David Sullivan stated that they assumed that when they asked those questions, the answers would be there. Perhaps it was partly because the document was so big or partly because of staff turnover, but the answers were not there. He thought that, perhaps, the rationale for many of the changes was not discussed in Planning Commission meetings; they were discussed in the committee meetings. So, by the time it went through that process, it was not there for the BOCC to read. The result was that the BOCC did not know the rationale. He stated that, even though he agreed with some of the changes, he still had to know the rationale for voting for it.

Al Scalf wondered whether part of the problem was that the process took too long and the package was too big. He asked if it would have been better to have it in smaller components. Pat Rodgers stated that all he was talking about was to "show your work". He stated that he did not hold the Planning Commission accountable; he held the staff more accountable because he thought it was something the staff should anticipate. While he realized we may assume everyone knew what and why changes were being made, we should not make assumptions and should show the work.

Bud Schindler stated that, in defense of the UDC Committee, the committee prepared a letter to the full Planning Commission that addressed the major changes the committee suggested up to that point. He did not know if that memo with the list of the rationale for changes had been forwarded to the BOCC. After the staff change-over, he did not know if the rationale for changes had been kept up after that point.

Jim Hagen stated that the question was where to go from here, what the schedule would be, how many public hearings would be held, etc. Al Scalf responded that staff would come back to the Planning Commission on April 19 with the UDC Omnibus issue. Staff would prepare a staff report about the motion from the BOCC and the direction they believed the Planning Commission and staff should take to rectify the situation. Pat Rodgers thought the BOCC's motion was pretty clear. Mr. Scalf agreed that the motion was very clear on the specific areas that were not noticed that may be a procedural problem. So to play it safe, we would re-notice that for another public hearing before the Planning Commission. Mr. Hagen asked about how large the ad would be and how specific it would be. Mr. Scalf stated that staff would capture the intent and list the specific sections of the JCC that were affected.

Bud Schindler stated that part of the Omnibus was the JCC itself. He and staff discussed how to clarify to the public the relationship between the Omnibus and the JCC.

Edel Sokol stated that it would be very important for the Planning Commission to hear from the BOCC what, specifically, their issues were. Al Scalf stated that he thought the motion was specific enough. He stated that staff would show the issues on April 19. David Sullivan stated that the BOCC would be glad to work with staff to clarify any questions they had.

D. ADJOURNMENT

Jim Hagen stated that, after a spirited discussion, he thanked the BOCC for joining the Planning Commission. He invited everyone to join in refreshments.

The meeting was adjourned at 9:30 p.m.

E. APPROVAL OF MINUTES

These minutes were approved this _____ day of April, 2006.

Jim Hagen, Chair

Cheryl Halvorson, Secretary