

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR AUGUST 16, 2006

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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 Dennis Schultz, Edel Sokol, Bud Schindler, Peter Downey, Mike Whittaker, Bill Miller, Henry Werch, and JD Gallant.

DCD staff present were Al Scalf, Brent Butler, Rachel McHugh, and Cheryl Halvorson, secretary.

There were about five members of the public present. Those who signed the guest list were Norman MacLeod, Richard Hild, and Nadine Hild.

The commissioners reviewed the minutes for August 2, 2006. Henry Werch asked that the minutes be amended to include the list of names of the citizens who volunteered for the Critical Areas Advisory Group [on Page 10]. The minutes were approved as amended.

The Chair invited staff updates.

Al Scalf reported that the county received a CTED grant for the Industrial Land Bank issue. He stated that the county had contracted with a consultant to work on the issue, which was to be completed in 2007. The analysis would result in a Comp Plan and UDC amendment during the 2007 cycle.

Al Scalf stated that staff was working on a Frequently Asked Questions sheet on the critical areas issue. He stated that he would be providing it to the County Administrator on August 21. Once finalized, it would be disseminated to the Planning Commission and public.

Brent Butler reported that the Affordable Housing group was meeting to finalize the Housing Action Plan. He noted that two Planning Commissioners sat on that group. The final plan presentation to the Planning Commission was now scheduled for October 4.

Regarding economic development, Brent Butler reported that we were looking at the second charrette, which would focus on how to increase the amount of jobs within the county and how to retain specific industries. He reported on the entities he had been working with on the issue.

Brent Butler reported on the status of the EIS for the Statesman Group MPR Comp Plan amendment proposal. The county had received parts of the EIS from the proponent's consultants. However, there were still some key elements outstanding, including the transportation element and some fire infrastructure concerns. Also, there was some likelihood that there would be some cultural resources on the site. Because some elements of the EIS were not complete, Mr. Butler stated that staff would send a letter to Statesman describing the deficiencies and asking for further re-writing. Then the draft would go to an in-house review before going out to public review and comments.

Henry Werch asked which tribes were being contacted. Brent Butler replied that the Point No Point Treaty Council tribes were involved, specifically the S'Klallam tribes and the Skokomish Nation.

Bud Schindler asked if the location of the sensitive areas were on the 240 acres of Statesman property or if they were located nearby on Black Point,

noting that Black Point was much larger than the Statesman property. Brent Butler replied that the current analysis was that there were no actual determinations of specific locations of cultural resources. However, the likelihood that there would be sites within the Statesman property was increasing as the investigation continued.

Peter Downey asked if any of the south Hood Canal tribes, such as the Squaxin Island tribe, were involved. He wondered whether Black Point would be in their usual and accustomed areas. Brent Butler responded that, so far, only the Point No Point Treaty tribes were involved. Mr. Downey noted that the Squaxin Tribe was not a party to the Point No Point Treaty. He thought it would be interesting to know their usual and accustomed areas, because such areas were specifically for cultural resources. He thought it was a good idea to do a bit broader investigation, because what worked for one tribe did not work for another since they were separate nations.

Bud Schindler stated that the reason he brought it up was because the locations he knew of, which were typical of cultural resources in the area, were all closer to the water. He stated that the topography of the Statesman property was located on high bank bluffs, which he did not believe had a high likelihood of cultural sites. Peter Downey responded that it was up to the tribes to tell the county that. Brent Butler stated that the county expected the state Department of Historic Preservation and Archeology to sign off on the cultural resources assessment, as well as the tribes. Although the county was the lead agency, the county would essentially be taking a "back seat" role in allowing the specialists to do the due diligence. Al Scalf stated that the tribes had indicated that there were archeological interests within the boundaries of the proposal.

Edel Sokol stated that Statesman Group was an Alberta, Canada company. She stated that, in Alberta, she knew that when any project was done, the proponent was required to hire an archeologist to be onsite during excavation. Brent Butler stated that there had been exploratory holes dug on the site by a geologist, but they were not done under the observation of an archeologist. Ms. Sokol asked about the state law for such excavations. Mr. Butler responded that the best management practices typically required the services of an archeologist whenever any digging was done on the site. In many cases, when a geologist was doing a survey for transportation purposes, an archeologist was not on site. Peter Downey stated that a geologist would not know what to look for. Al Scalf stated that they would have to work with the tribes on an archeological assessment. He thought the archeological documentation was pretty good, although it still missed the mark.

Al Scalf stated that the transportation element was still missing in its entirety. He cited several transportation issues that the county had asked to be addressed. He stated that the overall draft EIS was so preliminary at this point that he did not think it was even close. Peter Downey asked what firm was doing the EIS work. Brent Butler stated that there were two, one in Canada (James Mazak) and Don Largen from this state who was essentially pulling all the elements together.

Bud Schindler asked if staff had been giving them feedback about our reservations on whether they could get the EIS done in time. Brent Butler replied that staff had been meeting with the consultants. He stated that many of the concerns staff had voiced to Statesman were not heeded and many of the specific requests made by the department had not been incorporated. He stated that staff intended to send a letter to Statesman specifically

detailing again what the county was expecting. He stated that county staff, the tribes, and the state Department of Historic Preservation and Archeology had voiced their expectations during meetings. Mr. Butler believed that they [Statesman] should understand this at this point.

Jim Hagen asked if staff had identified an absolute cutoff point where, if the EIS was not satisfactorily submitted, the project could not go forward on this amendment cycle. Al Scalf replied that staff had not yet set a date for that. He pointed out that this date was the date in the schedule for release of the draft EIS to the public. Mr. Scalf stated that he was skeptical that they could make it in time for a decision this year.

Peter Downey asked about the consultants for the EIS project. Brent Butler listed the several consultants and their areas of interest. Mr. Downey commented that they were using several different consultants instead of hiring one large consultant firm that could do the whole EIS project. He thought that was inefficient.

Bud Schindler stated that the South County Chamber of Commerce advisory group had appointed Joe Baisch as the spokesman for the Chamber. He reported that Mr. Baisch had said there was a meeting on Friday (August 11) on the MPR issue. Brent Butler reported that the referenced meeting was with Fire Chief Bob Herbst on fire issues related to the EIS. Mr. Butler stated that he wanted to meet with Mr. Baisch to inform him of the status of the draft EIS.

Rachel McHugh reported on an upcoming meeting of the Water Utility Coordinating Council. There would be a couple of meetings to discuss some possible amendments to the Coordinated Water System Plan.

Brent Butler reported that the county was about to be given a specific rating under the Flood Insurance program. There would be a meeting this fall with the Insurance Service Officer. He stated that the objective was to reduce the flood insurance premiums for the designated hazard areas. Bud Schindler asked if this would change anything in the Brinnon RVC, at least in terms of the designated area of risk. Mr. Butler replied that it had more to do with the documentation that the risk had been subject to evaluation. Secondly, the information would be made available to the residents of the county. He stated that it would set the county up in a position where we could identify those areas where we needed to do additional work. Al Scalf stated that we were not changing the maps.

Edel Sokol asked if this program included tsunami zones. Brent Butler replied that, if a community decided to set up a tsunami warning system, they would be credited for that. Peter Downey stated that the question was, "What if you were in a tsunami zone?" Mr. Butler responded that what we were doing currently was to document what the county had done to warn the population and to protect the population. He stated that there had been some work done by federal agencies and cited some of those findings. Mr. Downey cited several areas in the county that were more rural in nature but had significant populations. Mr. Butler described what the county was trying to do to increase its points related to coordinating the emergency preparedness for the county. Unfortunately, much of that information was not made available to the county residents. As part of this program, staff was trying to find out how those resources were being made available to the residents and to make sure that county residents were aware of the resources that were already here.

Edel Sokol asked where those resources would be available. Brent Butler replied that staff was in the process of creating a county web page.

Dennis Schultz asked about earthquake liquefaction zones. Brent Butler responded that earthquake was a topic for future discussion.

The Chair opened the meeting to committee reports.

Jim Hagen provided a brief summation of the first Critical Areas Committee meeting. He stated that the group had agreed to start with an issue that the group felt there was consensus on and that they could build on successes and get a feel for how the group would work together. He stated that the agenda for the next meeting would include a presentation by Al Latham from the Conservation District. Then the group would discuss the agricultural issues. Also, in the near future the group would receive a presentation from DOE on the wetlands guidelines and rating system. Dennis Schultz added that the group wanted to expand the discussion to include other environmentally sensitive portions of the ordinance, not just agriculture. The commissioners on the committee thought the first meeting was productive and optimistic.

Cheryl Halvorson raised a couple of issues concerning the Critical Areas advisory group. One was comment letters relating to Jim Tracy's participation and the fact that he lived outside the county. She stated that, if the Planning Commission wished to deal with the issue, the commission should also consider that Robert Crittenden lived outside the county. Since the issue was raised through public comments, she thought the issue should be discussed and resolved by the full Planning Commission. Ms. Halvorson stated that the second issue had to do with the addition of alternates for some advisory group members, specifically Ron Sikes for George Yount and Dennis Holman for Dianne Bonnivier-Holman. She suggested that, if the Planning Commission wished to allow such alternates, the commission should take a motion to that effect. Jim Hagen thought it was accepted by the commission, but not formally put into a motion, that any of the interest groups could appoint alternates. Ms. Halvorson stated that she did not get that understanding when the Planning Commission was forming the advisory group and suggested a motion to make that intent clear. JD Gallant agreed that, under the rules of procedure, it would be required that the entire assembly supports that. Mr. Hagen stated that this type of procedural issue was something that should be taken up during the agenda item on Robert's Rules of Order. He suggested postponing the issue until that agenda item. The other commissioners agreed.

Peter Downey reported that the first Shoreline Policy Advisory Committee meeting was scheduled for August 31.

Bud Schindler reported that he was still waiting to begin the MPR Committee meetings, stating that he wanted to wait until the right time to begin.

Al Scalf reported that he had met with the County Administrator on the No Shooting Areas issue. The issue had been assigned to DCD to draft an ordinance. Rachel McHugh was assigned to the issue. He stated that Ms. McHugh had drafted an ordinance which would be reviewed with the County Administrator before going to the BOCC. He stated that it would be part of the JCC, although not in the development regulations section of the JCC (Title 18). The No Shooting issue would be in Title 15. Ms. McHugh reported on two drafts she had prepared.

The Chair invited public comments.

Norman MacLeod asked who staff was working with on the heritage issue for the MPR. Brent Butler replied that staff was working with the state Department of Historic Preservation and Archeology.

Richard Hild asked about who signed off on the archeological review. Brent Butler replied that the state Department of Historic Preservation and Archeology was the agency to review and approve it. Mr. Hild asked if that department had signed off on the [Port Angeles] graving yard project. Peter Downey replied that they had. He explained that what happened was that the grave sites were found under a slab area that was not assessed beforehand. They had done assessments of other areas of the graving yard site. Mr. Butler stated that, after the graving yard experience, the county was being very careful with the cultural resources issue. Al Scalf stated that the county was even reviewing the 2006 WSDOT audit of the graving yard project and recommendations for future projects as some of the data for our review.

B. DISCUSSION & RECOMMENDATION TO BOCC ON SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENT PROPOSALS

The Chair opened the discussion on each Comp Plan amendment proposal by describing the application and inviting Planning Commissioner comments and/or recommendations.

MLA06-01, Arthur Bell (on behalf of Jeanne Bell and Raymond Anibus):

The proposal was for Parcel Number 001201004, a 12.5-acre parcel located on Discovery Road. The application was to rezone the parcel from RR 1:10 to RR 1:5.

Mike Whittaker referred to the staff evaluation for the issue of the amendment not creating a pressure to change the land use designation of other properties on the "Cumulative Impact Analysis" chart [on Page 2-7]. He pointed out that the evaluation was not consistent with the question. Rachel McHugh responded that it was something staff would need to review and amend as needed before the report went to the BOCC. She thought it originally came from the applicant's responses in their application.

Dennis Schultz moved that the Planning Commission recommend approval of this application. Peter Downey seconded the motion.

Peter Downey stated that he thought the discussion should be centered around the Staff Report and staff's support of the application. He thought it was interesting to see the difference between last year and this year, stating that it was a very different flavor from last year. Bill Miller commented that last year the county had some forest land applications that were problematic. Jim Hagen stated that last year there were some Rural Residential applications that were more difficult to assess than this year's applications.

The motion carried unanimously (9-0-0).

MLA06-74, Drew Austin (on behalf of Cleo Austin):

The proposal was for Parcel Number 001081002, a 30-acre parcel located on South Jacob Miller Road. The request would change the land use designation from RR 1:20 to RR 1:5.

Dennis Schultz commented that the rezone would fit in pretty well with the rest of the neighborhood. Bill Miller agreed with the staff report, stating that it looked like there were other parcels that would be broken up into smaller parcels. He did not think the rezone would change the composition of the neighborhood.

Edel Sokol moved that the Planning Commission recommend approval of MLA06-74. Bud Schindler seconded the motion.

Mike Whittaker stated that, in the application, there were two options for dividing the land. One option would do a short plat of five parcels and the other would do a long plat of six parcels. He thought the proponent would be open to the first option, which would be simpler and less costly. Peter Downey stated that would be part of the platting process and was not related to the approval of the application.

The motion carried unanimously (9-0-0).

MLA06-77, Eugene Brown and DCD:

The proposal was for Parcel Number 961803402, a 0.70-acre parcel located at the corner of Irondale Road and 4th Avenue. The application was to rezone the parcel from RR 1:5 to Convenience Crossroads. The request was initially filed in 2001 and suspended at that time in the context of the ongoing UGA planning.

Henry Werch asked whether or not the owners of the property were legally entitled to the conversion in zoning or whether it was being considered as simply a new proposal. Rachel McHugh replied that the parcel did meet the standards for a LAMIRD [Limited Area of More Intensive Rural Development]. Part of the standard was previous use at the site as a commercial use. That was the basis of the application - that it had a pre-1990 commercial use. Mr. Werch asked if that fact automatically gave them special standing for the application. Al Scalf replied that it did not. Nor did the county have any agreements with the applicant requisite to this review. Mr. Scalf stated that the only obligation was to bring it forward because it had been sitting around for so long.

Henry Werch stated that he was making assumptions but they may be incorrect. He stated that he assumed that a convenience store would carry beer and wine and tobacco products, which was normal for a convenience store. He stated that there had been some changes in the commercial environment in the area surrounding this site, citing a distance of about one half mile to the QFC and another convenience store and about one half mile in the other direction to Highway 19 and substantial existing commercial development. He stated that, normally in the past in a different environment, they would have asked if the change in use from residential to commercial was really needed in the community and whether it created a hazard for issues of potential public safety. Those were his concerns. Mr. Werch stated that, first, in isolation, it amounted to spot zoning and in an area where he questioned whether it was an appropriate area to create another commercial LAMIRD. He

thought it would negatively affect existing businesses and the growth of similar businesses in a better, more appropriate location at Highway 19. Second, he was very concerned about public safety issues. He stated that it certainly made commercial sense for the applicant to want that use for that site because there was the large, public park just down the road. His concern was that it would create a too convenient opportunity for easy access to alcohol for people using that public beach site. And, because of the size of the parcel and its location on Irondale Road, that use could create serious problems of ingress and egress and traffic hazards on that road, which would be the only access to the public park. In his experience in the past, they would ask for input from the Sheriff's Office regarding their concerns. Also, they would have a serious discussion about whether it was an appropriate location to create a commercial island, even though it may be permitted under the code. He stated that, at the moment, with these questions and concerns not answered, he would be opposed to the rezone, although he was open to changing his mind.

Peter Downey referred to the Public Works comment about access to Irondale Road. Rachel McHugh stated that Public Works' comment recommended a condition that there would be no access off of Irondale Road. She stated that staff concurred with that condition and added it to staff's approval recommendation. Henry Werch stated that, while it made sense for alleviating problems on Irondale Road, he thought it created a bigger problem on 4th Avenue. He stated that a convenience store could be a very busy place. It was also immediately adjacent to the intersection where people would be turning onto the only access to the new park.

Jim Hagen stated that the criteria for changes in land use for LAMIRDs were described in the GMA at RCW 36.70A.070.5(d) and in the Comp Plan. He thought a review of those criteria and, if you applied them to this parcel, he agreed with the staff analysis that the parcel met those criteria.

Henry Werch stated that his reading was that the criteria would certainly allow the change in zoning in an area where it was needed or appropriate, but he did not get a sense that it was mandated if the minimum requirements were met. He stated that, in his experience, it did not make sense to create a new commercial use in a residential area when there appeared to be adequate commercial uses in the area already.

Peter Downey stated that he had just the opposite view. He believed that one of our biggest problems was that we create these higher density residential areas without the services that were needed within walking distance. He thought anything we could do to create smaller stores within walking distance of the residences was a good thing. He cited the model for New York City as an example where mom and pop stores were the norm. Henry Werch stated that he agreed philosophically, but he was not convinced at this time that this use satisfied that need.

Edel Sokol commented that the issue of alcohol was a social issue. She stated that was not a criterion for the zoning. Henry Werch stated that he saw it as a public safety issue. Ms. Sokol stated that she did not necessarily disagree, but she questioned whether that should be addressed by the commission. She pointed out that the county did not receive any negative comments on this application at all. Dennis Schultz stated that, from a public safety standpoint, it may be better to not have people driving farther to get their alcohol. Peter Downey stated that the commission could not do

law enforcement. He stated that the commission could only expect that the people who would run the store would do it within the laws of the state.

JD Gallant stated that it would have been nice if the commissioners could have done a drive-by of the site. He understood Mr. Werch's concerns and Mr. Downey's points. He suggested tabling the application until the commission could look into the issues further. Peter Downey stated that he would rather move it forward.

Edel Sokol moved that the Planning Commission recommend approval of MLA06-77. Peter Downey seconded the motion.

Bill Miller asked for clarification about what the zone would be called - a Convenience Crossroad or a LAMIRD. He thought it was in the UGA. It was pointed out that the UGA was nonexistent for the present. Al Scalf explained the terminology for the zoning and the RCW criteria. He stated that the zoning would be a Convenience Crossroad, like the Beaver Valley Store. He explained some of the uses that were allowed in such a zoning district.

Bill Miller offered a friendly amendment that the Public Works conditions regarding traffic control at that intersection be added to the motion. The friendly amendment was accepted.

The motion, as amended, carried with seven in favor, one opposed, and one abstention (7-1-1).

MLA06-85, Port of Port Townsend:

The proposal was for Parcel Number 001331011, a 2.5-acre parcel located at the southwest corner of SR 19 and Woodland Drive. The application was to rezone the parcel from Airport Essential Public Facility [AEPF] to Rural Residential (RR 1:5).

Bill Miller asked if the location description had been clarified, pointing out that the parcel covered both sides of SR 19. Rachel McHugh explained that the subject portion of the parcel was the northeast part of the parcel but it actually lay in the southwest corner of the intersection. She agreed that it was a confusing description. It was clarified that the larger part of the parcel on the airport side of SR 19 was not part of the application. Only the smaller portion on the Woodland Hills side of SR 19 was under consideration. Al Scalf stated that separate parcel numbers could be assigned to the two portions of property with separate parcel numbers for each side of Highway 19.

Peter Downey disclosed that his company leased property from the Port. While it had nothing to do with this application, he would abstain from voting. Edel Sokol stated that she would likewise abstain.

Dennis Schultz moved that the Planning Commission recommend approving MLA06-85 submitted by the Port of Port Townsend. Bud Schindler seconded the motion.

Bill Miller stated that, if the Port did not use that part of their AEPF nor did they plan to, he could support the rezone. He thought they had a legitimate plan to swap for more desirable land.

The motion carried with seven in favor, none opposed, and two abstentions (7-0-2).

The commissioners and staff discussed findings of fact for the Planning Commission recommendations on the Comp Plan amendments. It was agreed that staff would draft findings for approval by the Chair, which would be included in the Planning Commission's report to the BOCC.

C. REVIEW 2007 PLANNING COMMISSION PRELIMINARY BUDGET

The Chair invited any thoughts on the preliminary budget.

Bud Schindler stated that, being from the South County, he thought it was only fair that he be reimbursed for mileage to all Planning Commission related meetings, including committee meetings. It was unfair and discouraging for those from South County to have to drive up to Port Townsend to attend all the meetings, both full Planning Commission and committee meetings. He proposed that the policy be revised so that commissioners be reimbursed for both full Planning Commission as well as committee meetings.

Bud Schindler moved that the Planning Commissioners be reimbursed for all Planning Commission meetings, both Planning Commission and committee meetings. Edel Sokol seconded the motion.

Mike Whittaker stated that the three commissioners from the South County tried to car pool as much as possible. Bill Miller stated that he had no issue with the South County commissioners being reimbursed for all of their Planning Commission related mileage. He stated that there were some commissioners who did not claim mileage because they did not drive that far. He thought it would encourage continued participation on the commission. Henry Werch thought it was a real financial hardship and acted as a barrier to participation. Jim Hagen stated that, speaking for himself living in District #2, he had never filed for reimbursement. He felt it was part of his service. Some other commissioners living in Districts #1 and #2 also indicated that they never filed either. Mr. Hagen stated that the allotment of the budget should reflect an adequate amount for the mileage.

Henry Werch stated that he would support something that could be accepted by the whole Planning Commission that would distinguish distances somehow so that the county did not have to plan for mileage for every Planning Commissioner. Peter Downey stated that the budget as proposed was not adequate when compared to the actual expenditure in 2005. Al Scalf stated that the 2007 budget proposed doubling the allocation for 2006, from \$400 to \$800.

Al Scalf stated that the policy issue to bring to the BOCC was that the Planning Commission would like to be reimbursed for both Planning Commission and committee meetings. Or we could modify the motion to only reimburse those commissioners from the South County and see if the BOCC would accept that. If the BOCC accepted that policy, the budget could be adjusted accordingly. Mr. Scalf stated that he would take the outcome of the Planning Commission's motion on the policy to the BOCC for their consideration.

Peter Downey moved that the motion be amended that the Planning Commission members who traveled more than fifteen (15) miles one way from the meeting site location for the committee meetings would be eligible for mileage

reimbursement. Henry Werch seconded the motion amendment. The amended motion carried unanimously (9-0-0).

Bud Schindler commented that the motion would have implications on the budget. Al Scalf explained that the Planning Commission budget came from the General Fund. He stated that it was a bottom line budget that could be adjusted within the total. He stated that, besides the travel expense, DCD was proposing a fulltime Planning Clerk to be split between the Planning Commission and LRP, as Ms. Halvorson would be retiring in March. He asked for the Planning Commission's recommendation on that proposal. Mr. Scalf described the job expectations for a fulltime Planning Clerk. In answer to Jim Hagen's question about total costs, Mr. Scalf stated that it would be around \$30,000 to \$32,000 per year including benefits, split between the Planning Commission and LRP.

Jim Hagen asked if the increased workloads were a general experience across all departments. Al Scalf replied that the DCD requests were in competition with the other departments. He described the other requests in the DCD budget. He stated that the department was also requesting a fulltime Associate Planner wetland scientist to be fee based. He suggested that the Planning Commission may want to make a suggestion on the policy decision about that position as well, whether the wetland scientist should be strictly fee based or whether it should be General Fund supported.

Peter Downey stated that, from a policy discussion standpoint, he thought the wetlands piece was very interesting. If it was just based on a normal building code issue, he would expect the applicant to pay for it. But with the wetlands issue, the county had kind of created a "bug-a-boo". He thought we could make an argument that some General Fund expenditure was needed to help out.

Jim Hagen stated that one of the things the Planning Commission was required to do when examining any policy advice was the balancing of the goals. One of the goals that kind of got forgotten about, especially when addressing the critical areas issue, was permit efficiency. He thought that perhaps something to consider, in an already financially strapped county, was that the critical areas regulations would require the hiring of a fulltime employee to administer the regulations without the guarantee that the administration of it may become increasingly complex. He stated that it was one of the three promises of the GMA.

Henry Werch moved that the Planning Commission endorse the proposed budget recommendation to allow for a fulltime Planning Clerk, with one half being supported by the Planning Commission budget. Mike Whittaker seconded the motion which carried unanimously (9-0-0).

D. DISCUSSION ON PLANNING COMMISSION PROCESS AS RELATED TO ROBERT'S RULES OF ORDER AND THE BY-LAWS

JD Gallant stated that he had raised the issue because he believed in order and attention to detail was his mantra. He did not think the Planning Commission could discuss the issue and get it settled in one meeting. He stated that there were some key things the commission should look at. One was that the By-Laws said that the commission's process should be *guided* by Robert's Rules of Order. He stated that Robert's Rules allowed for the relaxation of certain rules, especially for small, moderate assemblies such as the Planning Commission. He stated that the point that needed to be

understood was quite clear - the Planning Commission was not a small assembly in terms of importance. He thought the Planning Commission was a moderate assembly because of the importance of the commission's work. He stated that the commission's process could be casual, but only to a degree under Robert's Rules. He stated that the other issue he had contention with was the committee chairmanship issue, whether a committee chair could be the assembly chair. He stated that Robert's Rules said it was absolutely not allowed. Another thing was non-members. While the assembly chair could appoint committee members, he could not appoint non-members of the assembly to a committee. Mr. Gallant stated that we did not want to usurp those important rules, no matter how casual the commission may become. He stated that under Robert's Rules, as soon as any member brought up the issue, the casualness must cease. He stated that he did not want to do that; that was not his purpose. He did believe, though, that the commission must adhere to the basic and important rules of procedure. He stated that the Planning Commission was working in a casual way now. He described the ways that discussions could take place: a committee of the whole or through a motion. He thought a discussion of Robert's Rules was important enough that it should be opened up, with the Chair's permission, to questions and answers for a certain amount of time and see where it went. Then the commission could take up the issue again at a later meeting.

Jim Hagen thought that one thing that should be included and resolved at this meeting were the things brought up by the secretary concerning alternates for the various advisory group members. Also, the commission should address the issue of retroactive criteria as applied to all members of the advisory group. He supported a general discussion of Robert's Rules. After sufficient points of view had been addressed, he thought the commission should specifically address those two issues.

Dennis Schultz moved that, where the Planning Commission had a citizen advisory group advising a Planning Commission committee, the different members of the advisory group be allowed to appoint an alternate representative. Edel Sokol seconded the motion.

JD Gallant stated that it was clear in Robert's Rules that the non-members (the advisory group) had to be appointed by the assembly (the Planning Commission).

Dennis Schultz stated that the question was whether we wanted them to be representative of an organization or as an individual. He thought that if they were representing an organization, the organization should have the right to determine who their representative would be. He thought that, if the Planning Commission was picking the representative, the commission could skew and slant the membership of that group. It would take away the organization's right to pick their own representatives.

JD Gallant stated that you would be establishing a sub-group that would not be subject to the chair of the committee in any way. He stated that normally the advisory group would sit in the audience. The chair would call on members of the advisory group according to their expertise to give testimony on the issue at hand. It was that simple. He questioned why you would have a sub-group that would answer to the chair. He did not see it working on any level.

Jim Hagen stated that, while he thought there were marvelous reasons for it, he thought that what seemed like a simple motion should perhaps be withdrawn.

He suggested that the commission should look at how its business was conducted, because what he was hearing was a substantial change to a more formal structure than the commission was accustomed to. Mr. Hagen stated that, along with all the voluminous amounts of material the commission had related to land use planning, we would now have to go through Robert's Rules to make sure it was being adhered to.

Dennis Schultz withdrew his motion.

Peter Downey thought the Planning Commission needed to recognize where the Critical Areas Committee fit in the whole scheme. He stated that the Planning Commission was an advisory group to the BOCC. The Critical Areas advisory group was an advisory group to the Planning Commission committee, which in turn would advise the full Planning Commission. In that context, the whole purpose of the Critical Areas Committee was to give a voice to the public, which was the one thing that was missing in this whole issue. He thought anything we did to stifle that voice, such as putting strict rules on that committee, did not serve us very well, especially when it was an advisory committee to an advisory committee. He stated that, while Robert's Rules was great and should be used extensively in certain instances, there were some instances where you should be more lax.

JD Gallant responded that the commission was already lax, except that we had a chair, an agenda, and adjourned at the end of the evening. He stated that his point was that the commission was not following Robert's Rules hardly at all. He stated that the question was whether the commission was only going to use Robert's Rules and the By-Laws when it was to the commission's advantage. He stated that he was not saying that we had to adhere or even lose the casualness the commission had. His point was that there were certain things the commission should and must adhere to. He cited a reference in Robert's Rules about a common practice. However, if such a practice became in conflict with a parliamentary authority or any written rule of the organization, and a point of order was raised at any time, the custom fell to the ground unless the custom was formally added to the standing rules. He stated that basically what it was saying was that it could be corrected if it was in the By-Laws. He stated that if the commissioners wished to amend the By-Laws and delete Robert's Rules and establish your own rules, you could do so.

Bud Schindler stated that the Practicing Planner handout indicated that the Planning Commission was doing everything right, but Mr. Gallant indicated that the commission was doing everything wrong. He stated that the thing he looked at was whether we were trying to resolve a problem, whether there was a problem with the way the commission was functioning. He stated that usually you turned to the rules if you had a problem. He stated that he did not see a problem. He thought the Planning Commission was functioning well. He did not believe the mechanism the commission was practicing under was broken.

Dennis Schultz stated that the Critical Areas Committee was really acting as an informal study group which would eventually make a recommendation, perhaps both pro and con, to the full Planning Commission. Then the expectation was that the full Planning Commission would take the committee's recommendation, do its own studying, and make its own recommendation. It was not like the Planning Commission would be a "rubber stamp" of the committee's work. He stated that he had never seen the Planning Commission rubber stamp any committee's work.

Jim Hagen stated that, in terms of the commission's functioning, he thought the commission was in a really optimistic time. He thought it was a public benefit that would continue to improve policy recommendations. As far as the way the commission was functioning, he thought the commission and committee were doing something of extreme value to the public. It was very much in the vein of good planning and good policy. He thought it was very positive from the feedback he had received from strangers. He stated that one of the common complaints in rural communities all over the country was that the public did not feel like they were involved or engaged. He stated that he would hate to see such a wonderful idea, with all the diversity of opinion and expertise in this committee, be hamstrung by rules. While he thought rules were important, he thought that at some point they defeated the purpose.

JD Gallant stated that the Chair was violating the rules of impartiality by using words like "hamstrung". He stated that Robert's Rules did not hamstring anyone. Jim Hagen stated that everyone had a right to express their opinions in a general discussion such as this.

JD Gallant stated that he had never questioned whether the public should be involved. The question was simply whether we should adhere to Robert's Rules and whether any non-members should be appointed by the full assembly. It had nothing to do with the commission losing its casualness. The other rule was simply that the chair of the assembly must never chair a committee. He stated that the commission must determine at this point in time whether it would be guided by Robert's Rules or not, as per the By-Laws. He thought it made common sense that the chair of the assembly should not have dictatorial powers over a committee. He provided a document for the record and to each commissioner containing excerpts from Robert's Rules. He suggested that the commissioners review the document and discuss it at the next meeting. He stated that it was clear and it was something that had really bothered him.

Peter Downey stated that he saw two issues that Mr. Gallant took exception to. One was the appointing of members to the advisory group and how that was done. He thought that could easily be resolved through a motion that the Planning Commission accepts the nomination of the alternates cited. The second issue of whether Mr. Hagen should be the chair of the Critical Areas Committee was something that, according to Mr. Gallant, Robert's Rules did not allow. However, the commission was guided by Robert's; the commission did not have to adhere to it completely. In this one case, the commission could say that it wished to make an exception to that rule. There might be a good reason for doing that in this case. He thought those were the two problems and two possible solutions.

Henry Werch stated that he liked to take the approach of problem solving. He stated that Robert's Rules, as all rules of behavior, tended to solve problems where problems existed. He stated that he was also sympathetic to the idea of not fixing something that was not broken. He stated that he was sensitive to the Chair being the chair of a committee, not because of a fear of too much power but because it provided an opportunity to develop other leadership within the organization. He liked the idea of there being other chair people from the sense of good facilitation and group dynamics. If there were issues with an individual exerting too much authority or using that authority improperly, he thought there were enough members who would voice their concerns so that it would be heard. Mr. Werch agreed that the Planning Commission should agree on how it should conduct itself and he

agreed that Robert's Rules were one way to do it. But, he thought the most important thing was that the commissioners agree so that the commission did not have future instances of conflict.

Dennis Schultz stated that the Planning Commission was a small group (nine members). He stated that most of the people on the commission had not been on the commission when it had four or five committees working at once. He stated that when you had that number of committees operating, everyone had to participate and the Chair had to help out on them. In his opinion, when the Planning Commission Chair stepped down to a committee, he was no longer the Chair of the Planning Commission. He had no problem with him being the chair of a committee. He stated that the other question was just how formal you had to be in a committee, which was basically a working group. He did not think you had to follow Robert's Rules in that committee group and, in fact, they had not done so in the past. He stated that they were informal and they worked and had been very successful. Mr. Schultz asked if anyone of the committee members objected to Mr. Hagen serving as the committee chair. Henry Werch replied that he objected, not as a reflection on Mr. Hagen but in general support of the reasons he had cited.

Dennis Schultz stated that all the commissioners should have their turn of being a chair of a committee, if the desire was there. He stated that the present commission had some people who had not served on a committee yet. That was not for lack of opportunity.

JD Gallant stated that Mr. Hagen could be made an ex officio member of all committees. Therefore, in most cases, he could choose to serve on any committees. He stated that the role of the Chair was to monitor the progress of the committees, and to receive the reports of the committee in an impartial manner, and then forward it to the full assembly. He stated that Mr. Hagen could sit on the committee, but just not chair it. He could fully participate, but someone else would act as chair. He thought it was a critical and very important difference. He reiterated that the Planning Commission was important enough that it needed to adhere to some very important rules. At the same time, he agreed with Mr. Hagen. He stated that he liked the way Mr. Hagen brought the audience into the discussions, but we did need to maintain order.

Jim Hagen stated that it said specifically in the By-Laws that the "Chair shall establish committees and appoint members thereto." He stated that while the By-Laws gave him that power as Chair, he had never done that. Nor had the previous Chair done so. He described how the Planning Commission had functioned in appointing committees in the past, which basically was to set guidelines for the committee and to ask for volunteers to serve. He explained his reasons for appointing himself to the Critical Areas Committee, basically because he was free and not on any other committees of the Planning Commission. He stated that in practice the Planning Commission Chair did not receive and review committee reports; the Planning Commission as a whole received the reports. The Chair only wrote the findings and conclusions of the Planning Commission's recommendation. He thought it was anything but a dictatorial setup. He thought it had worked very much in a consensus format. He pointed out that the advisory group was actually selected from everyone who volunteered. Therefore, it was not so much an appointment as acceptance of people who offered their services.

Bud Schindler moved that Robert's Rules not be followed in regards to the presiding officer being the chair of a committee. There was no second. JD Gallant stated that was a rule that you could not suspend.

Peter Downey stated that, generally, he thought it was probably a good idea (that the assembly chair not be the chair of a committee). Edel Sokol stated that the commission could kill the whole Critical Areas Committee and this whole public process by trying to adhere so strictly to this parliamentary process. She stated that the Planning Commission was here to serve the public and to give a recommendation to the BOCC, not to drive something into the ground with parliamentary process. Mr. Downey stated that was his point as well. Ms. Sokol suggested that, if Mr. Gallant felt so strongly, the commission should form a committee to work on the By-Laws.

Bud Schindler moved that Robert's Rules not be followed with regard to the presiding officer serving as chair of the Critical Areas Committee. Edel Sokol seconded the motion.

JD Gallant stated that the motion was asking to suspend a rule. He stated that Mr. Hagen had said that this was the way the Planning Commission had always operated in the past. What that meant was that the commission had never followed any guidelines in the past. Therefore, if we had a new chair, he could establish his own rules; the chair could do as he willed. There was a problem with that. He stated that Mr. Hagen had said that he had the authority to establish committees. He stated that it said "when appropriate and necessary". He asked why they put that clause in the By-Laws. He conjectured that it was because they realized it was an appropriate clause. He stated that it would generally be a vote of the group that would establish and appoint a committee. He stated that he was not suggesting that be done. What he was suggesting was that the commission vote on the non-members as suggested by, or guided by, Robert's Rules. Second, it was quite clear that there was no way that you could suspend the very important rule that the chair could appoint himself as chair of the committee.

Edel Sokol stated that she could not rely on excerpts from Robert's Rules without knowing the entire context. She stated that the By-Laws were clear that the Chair could establish and appoint committees. She stated that if Mr. Gallant wanted to change the By-Laws, the commission should form a committee to do so. JD Gallant stated that he was not recommending that clause be changed.

Peter Downey suggested that a way to approach this issue was to do more research on Mr. Gallant's point regarding the chair. He did not think he was prepared to make an informed decision. He thought the commission should defer the motion until the next meeting. The second point was that he suggested that the Planning Commission take a motion to formally appoint the alternates to the Critical Areas advisory group. Edel Sokol stated that doing so would allow the committee to continue its work.

Jim Hagen stated that there was still the issue of the criteria for appointment to the advisory group, which the commission had to get to at this meeting.

Peter Downey stated that he was asking that the commission table the motion. In the meantime, the committee would continue to function as it had in order to create some continuity for the public. Then the full Planning Commission

could take up the issue at its next meeting. He thought that if the commission was out of order for one meeting, then so be it.

Peter Downey moved that the motion on the floor be tabled until the next meeting. JD Gallant seconded the motion to table which carried unanimously (9-0-0).

Peter Downey moved that the Planning Commission appoint Ron Sikes and Dennis Holman as appropriate alternates to the Critical Areas advisory group. Henry Werch seconded the motion.

Mike Whittaker asked if the motion should be broadened to allow any other alternates to be automatically appointed. Peter Downey responded that if there were other alternates, they could come forward and the Planning Commission could consider them. Henry Werch stated that we were establishing the precedent that, where alternates were required, they would come to the full Planning Commission for ratification. Bud Schindler asked why the commission could not just allow each advisory group principle representative to appoint an alternate for themselves rather than having to come to the Planning Commission. Mr. Downey responded that he thought a bit of formality was called for. Mr. Werch stated that it could be done retroactively. He thought it gave the commission an appropriate appearance.

The motion carried unanimously (9-0-0).

Jim Hagen raised the issue of the membership criteria for the advisory group, citing the comments from a couple members of the public objecting to the participation of one person because he lived outside of the county. He stated that the commission had not established any criteria. The Planning Commission took everyone who volunteered at that meeting and took a motion to accept all of the volunteers. That motion passed. He thought that getting into certain criteria would "open up a can of worms", because you could take that as far as you wanted to take it. He stated that the commission had solicited major interest groups. Two of them the commission was seeking were scientific and legal. He stated that Mr. Tracy, who was questioned because of his association with a mining company, was qualified as much for his legal and planning background. He thought it was unfair to isolate one person on one retroactive criterion.

Dennis Schultz stated that there were other committees in this county that had paid employees representing organizations from outside the county. He stated that we should not forget that this was an advisory group to the committee. They were just providing advice, which the committee could take or not, if the committee members thought there was some ulterior motive. He wondered what the difference would be between that and someone from DOE or CTED coming and giving advice to the committee.

JD Gallant stated that he had attended the committee meeting and had been surprised by what Mr. Tracy had said. He stated that we should strive for balance on the advisory group. He did not think that committee meeting was in balance. He thought Mr. Tracy had been totally negative. Jim Hagen stated that we were not here to attack a person's input at a committee meeting. He thought the commission should stick to criteria for membership on the advisory group.

JD Gallant stated that balance on the committee was important. Bill Miller stated that he wanted a diversity of opinion. He thought it would help the

committee members to think better. Henry Werch concurred with that. He stated that we were blessed with a community of a very high percentage of articulate and qualified people, many of whom disagreed with each other. He thought a challenge for the committee would be to decide whose credible story the committee could buy into. He stated that the committee would not be taking formal votes in a way that one might want to challenge because of a perceived or real conflict of interest. He stated that as long as no one member of the group was blessed as being the authority over someone else, then he thought they represented a legitimate voice to be heard. He thought that if there was any movement within the committee to designate one individual as the only legal voice we should listen to or another individual as being the only technical voice we should listen to, then he thought the committee would be suspect. But that had not happened.

Peter Downey stated that he did not hear any motion to change the committee. He thought the commission was pretty comfortable with the membership. He stated that the criteria were that they were in the audience and expressed interest and the commission tried to get a diverse group. Henry Werch stated that he did not know the origin of Mr. Hagen's list of stakeholder groups, but it represented a pretty good cross section. While there may have been some commissioners who hoped for certain individuals to volunteer, it did not happen. Mr. Downey stated that the group expanded based on other input. He stated that he did not see that we had a huge problem.

Jim Hagen stated that an oversight he had made was that in appointing commissioners to the Critical Areas Committee he had left out a District #3 representative. He stated that, as you looked at the wetlands map, there were a lot in District #3. He thought it was an inequity that may need to be rectified. Peter Downey stated that he did not see it as a problem. He reiterated that this was an advisory committee to the Planning Commission. He stated that the three South County representatives would have every opportunity to get their input into the commission's final decision, which was advice to the BOCC. So unless they had a problem with being left out of the committee, he did not see a problem. Bud Schindler stated that he planned to attend most of the committee meetings as an interested citizen. The secretary stated that there were four commissioners formally on the committee. If other Planning Commissioners attended the committee meetings, even as interested citizens, it would constitute a quorum of the Planning Commission. If you had a quorum of the Planning Commission present (and the committee's work was business of the Planning Commission), and the extra commissioner(s) participated in the discussions, it created a meeting of the Planning Commission which would run afoul of the Open Public Meetings Act. She stated that, while other interested Planning Commissioners not on the committee may choose to attend the committee meetings as interested citizens, they should be scrupulous about not participating in order to avoid any violation of the Open Public Meetings Act. They could observe only.

Jim Hagen stated that he brought it up because he wanted to propose that the three District #2 committee members alternate missing a meeting in order to allow a District #3 commissioner (Bud Schindler) to attend and participate. Edel Sokol did not support that idea because the committee needed to have continuity during its short timeline.

Jim Hagen moved to maintain the composition of the Critical Areas Committee and advisory group intact as it was. There was no second.

Henry Werch thought it was reasonable to facilitate an alternate Planning Commissioner on the committee if one of the appointed commissioners could not attend.

Jim Hagen withdrew his motion, questioning whether it was even necessary. He stated that the committee was as it was appointed and to leave it at that.

E. ADJOURNMENT

The Chair invited public comments.

Norman MacLeod stated that it sounded like the Planning Commission needed a rules committee. He stated that there were other committee-type functions that produced a product that did not follow Robert's Rules, citing the 2514 process for watershed planning. They used a total quality management process instead. As to Jim Tracy's qualifications, he understood the concern that it appeared that he was trying to tear things apart at the last committee meeting. The reason for that, probably, was that we only had nine weeks to consider the several issues involved. He stated that, ultimately, the county had to produce a legally defensible ordinance. He thought we could probably avoid a lot of complications down the road if those things were looked at as we went through the process to find the "tripping points" that would lead to litigation, and see if there were ways to deal with those in advance to, hopefully, avoid litigation. He summarized Mr. Tracy's qualifications. He found that his personal agendas were all over the map. He stated that if there were other lawyers who were interested, he would welcome them. Although the advisory group was two steps removed from the decision-making process and there were other similar advisory groups in the county, citing the Shoreline Master Program committees as examples, he was very comfortable with the idea of anything the committee did being on the public record. He stated that he found it interesting that the objections to Mr. Tracy were that he did not reside in Jefferson County. He reported that Mr. Tracy was willing to purchase property in Jefferson County very quickly if residency became a criterion because of having been challenged in what seemed to him to be a personal attack rather than a policy attack. He found it interesting that the letter writer opposing Mr. Tracy was from Renton. He stated that he did not understand why there should be any objection at all when we had this massive amount of expertise dropped in our laps for free. He stated that he [Mr. Tracy] would not be setting policy. He perhaps would be able to point out the legal pitfalls that may exist in the present draft and help us avoid creating more. He thought Mr. Tracy's presence on the advisory group was very valuable among a group of people with so much expertise that he knew the county could never afford to pay for.

Roger Short stated that his father sat on the Planning Commission for about twenty-five years, starting with the first Planning Commission in the county. He stated that his father's number one complaint was that some commissioner was always complaining about something and they never got anything done.

Norman MacLeod stated that, concerning the budget, people in the West End were expressing interest in participating in county planning. He stated that they had a lot further way to travel and would probably need overnight stays too. He suggested that staff put a swag in the budget request in case a West End resident became a member of the Planning Commission.

Henry Werch stated that he had no objection to Mr. Tracy being on the advisory group. He thought his input would be valuable. He stated that he

would be very uncomfortable, however, if he were to be the attorney the commission would look to for getting advice on where the county might be exposed to legal action, not because he may or may not be correct, but because there was an appearance of questionable motivation that he could not escape. The difficulty was that the public may not be able to distinguish whether or not his legal advice was being given in an impartial way or to the benefit of a client, for example. That appearance was problematic. He did not think that affected his participation on the committee, but it was something the committee may have to deal with in the absence of other legal advice. He thought it would be appropriate for the county's legal consul to provide advice as well. Edel Sokol stated that, hopefully, he would follow the process because that was his job. Jim Hagen stated that we should assume that the best would come out of everyone. He wanted to re-emphasize the optimism that should be held for the prospects for this committee.

Bud Schindler expressed some concern for the advisory group and its size. He was concerned that other people would want to be involved in it, which would result in a group that was too large and unwieldy. He suggested that the size of the group be limited at a certain specified time. Edel Sokol thought the Planning Commission had already done that. Some other commissioners agreed that the commission had already done that.

James Fritz stated that Jim Tracy had made a point of saying in front of the BOCC that the critical areas ordinance did not affect his client, Fred Hill Materials.

Edel Sokol asked if there had ever been a Planning Commissioner from the West End. Cheryl Halvorson replied that there had not been during her tenure.

The commissioners discussed the agenda for the next meeting (September 6): (1) election of officers, (2) introduction to two development regulation amendments for Port Ludlow, and (3) the tabled motion.

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

F. APPROVAL OF MINUTES

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

Jim Hagen, Chair

Cheryl Halvorson, Secretary