

JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR SEPTEMBER 6, 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 Brent Butler, Barbara Nightingale, and Cheryl Halvorson, secretary.

There were about seven members of the public present. Those who signed the guest list were David Goldsmith, Philip Flynn, Ralph Rush, Norman MacLeod, and PUD Commissioners Dana Roberts, Wayne King, and Kelly Hays.

The commissioners reviewed the minutes for August 16, 2006. The secretary pointed out two incorrect statements made at the meeting. She stated that she added brackets at the two locations in the minutes and added the correct information. The minutes were approved as amended.

The Chair invited staff updates.

Brent Butler stated that the Planning Commission had been provided copies of a letter from the Statesman Group concerning the status of their MPR proposal. He reported that there would be a site visit on September 15 with a representative of the state Office of Historic Preservation.

Brent Butler stated that there was a new county web page online for the Flood Damage Prevention Ordinance and issue. He reported that in the fall there would be a visit by an insurance service officer who would audit the county's books for our rating.

Brent Butler reported that they were still completing the Housing Needs Assessment study. He reported on the status of that effort. Jim Hagen asked if the Housing Needs Assessment would require any Comp Plan amendment proposals. Mr. Butler replied that staff did not think Comp Plan amendments would be necessary, but there possibly would be amendments to the UDC.

Bud Schindler referred to a possible fourth option in the DEIS for a hybrid alternative that was mentioned in the Statesman letter. Brent Butler explained that the hybrid alternative would take the community plan alternative and overlay the Statesman proposal on it. He explained the three other alternatives that would be studied: (1) No Action (no MPR), (2) the Statesman proposal, and (3) the sub-area plan proposal. Mr. Schindler commented that the timeframe was getting very short to reach a decision this year, especially to include adequate time to do the review of the DEIS. He asked if there was a cutoff date established after which the proposal would be pushed into next year. Mr. Butler replied that staff was not certain yet.

Mike Whittaker stated that he had been sitting in on the Critical Areas Committee meetings as an observer. He stated that comments had been made that the county maps were less than accurate. He asked if, since the federal representatives were going to audit the county's books, the maps could possibly skew their findings. Brent Butler explained that the audit was specifically for the flood insurance rate maps and the access the community had to that information. So the audit was limited in scope to the flood damage issue.

Brent Butler introduced Barbara Nightingale from the Development Review side of DCD who was the dedicated planner for Port Ludlow.

Cheryl Halvorson reported that the newly updated JCC (resulting from the Omnibus adoption) was still not available from the code publishing company. She stated that when the new JCC was available, staff would copy it to the Planning Commission. Dennis Schultz asked if staff knew why it was taking so long for code publishing to incorporate the revisions. Ms. Halvorson responded that she could not say for certain, but did know that staff had indicated that there were other changes to other sections of the JCC that had recently been adopted as well, along with the Omnibus package which was rather large. So she thought the code publishing company had a lot of revisions to accomplish. Mike Whittaker commented that the proposed mining regulations had not been adopted with the Omnibus package. He asked if staff knew when those provisions would come forward. Ms. Halvorson replied that she had not heard anything about a timeframe. Jim Hagen commented that part of the Signs section had been held out of the Omnibus adoption as well. He asked if that was correct. Staff could not answer the question.

The Chair invited committee reports.

Peter Downey reported on the work accomplished at the first Shoreline Policy Advisory Committee meeting on the Master Program update. He reported that the timeline had been extended to February, 2007. He stated that they had months of work in front of them. Mr. Downey reported that it may be necessary to move the current deadline as well.

Jim Hagen reported on the Critical Areas Committee meeting. They concentrated on fish and wildlife habitat. He stated that they had begun a process of taking and voting on motions. He stated that the committee would be requesting that the BOCC ask for a further extension from WEC. He stated that they would also ask that staff draft line-in, line-out revisions as the process went along. He referred to the Island County Hearings Board decision as having possible effects on our ag lands exemptions. He stated that the September 14 committee meeting would have a presentation from DOE on wetlands. Dennis Schultz stated that the committee had formed a subcommittee to deal with the best available science issue. Mr. Schultz stated that the committee had also requested that senior DCD representation be present at the meetings. Peter Downey stated that Doug Peters from CTED had been very helpful at the committee meeting. Bud Schindler wondered what the DOE and CTED thoughts would be on the Island County ruling. Some commissioners thought it was too early to know since the ruling was just issued on August 30.

Brent Butler reported that the federal government was paying for certain staff members to receive training in Washington, DC on the flood issue. He stated that there would be an emergency preparedness public outreach meeting in Port Townsend on October 9 specific to the flood issue. He stated that he recognized a need for such a public outreach event in the South County, where the flood hazards were greater, and would schedule one later.

The Chair invited public comments. There were none received.

#### **B. ELECTION OF OFFICERS**

Jim Hagen opened the floor to nominations for the office of Chair. Jim Hagen was nominated.

Henry Werch noted that Mr. Hagen's term on the Planning Commission was expiring in March, 2007, although he did not know either Mr. Hagen's or the county's intentions with regard to Mr. Hagen continuing to serve. He suggested that there was a need to develop within the ranks of the Planning Commission other commissioners who were interested in facilitating various meetings in order to gain experience. He thought it was important to develop facilitation and leadership skills among the commissioners. In terms of the rules, Jim Hagen stated that the By-Laws only said that the officers would be the Chair and Vice Chair. He thought what Mr. Werch was suggesting may require an amendment to the By-Laws. Mr. Hagen stated that, for the purposes of this meeting, the commission was only electing its Chair and Vice Chair. Bud Schindler stated that he appreciated what Mr. Werch was suggesting but thought there would be a lot of details to be worked out first. Mr. Werch stated that in the time he had been on the Planning Commission, he had only had an opportunity to watch Mr. Hagen preside, and he thought it was important that we develop skills in other people.

Edel Sokol stated that, in the interest of continuity, she thought it was important to re-elect Mr. Hagen, although she did not see anything wrong with Mr. Werch's proposal. She thought the critical areas issue before the county right now would benefit from Mr. Hagen's experience and leadership. She thought that was very important, not only to the committee and commission, but also important to the public. Dennis Schultz supported Mr. Hagen as well, stating that he had watched him grow as the commission's Chair over the last year.

Peter Downey was nominated for Chair. He declined the nomination, stating that he did not have much interest in being Chair right now. Mr. Downey supported Mr. Werch's suggestion about providing experience to other commissioners, and thought the committee work was a training ground that could be utilized.

Jim Hagen was elected to the position of Chair with eight in favor and one abstention (8-0-1).

Jim Hagen opened the floor to nominations for the office of Vice Chair. Bud Schindler and JD Gallant were nominated. Bud Schindler received five votes and JD Gallant received four. Bud Schindler was elected as Vice Chair.

**C. INTRODUCTION TO A SUGGESTED AMENDMENT CONCERNING THE PORT LUDLOW MPR CODE ZONING PROVISION, MLA06-185**

Barbara Nightingale went over the materials that were presented to the Planning Commission for MLA06-185 submitted by Michael Holland. One was a map that included an arrow pointing to the Holland parcels. Another was the proposal package that had been mailed to the Planning Commission. Another was a staff memo addressing certain questions related to the proposal.

Barbara Nightingale explained that there were two codes affecting Port Ludlow. One was the JCC MPR Code at Section 17, which this amendment proposed to change. It affected only those properties outside the ownership of Port Ludlow Associates [PLA]. The other was the MPR Development Agreement which governed the PLA properties. This amendment would not change that code.

Peter Downey stated that the current zoning was 4:1 and this amendment would not change that. The amendment would only allow Mr. Holland to subdivide his larger parcels to that density. Cheryl Halvorson stated that it should be noted that the proposed amendment could effect other parcels within the MPR boundary.

Dennis Schultz stated that, currently, the two Holland tracts would be allowed two residences. If they were allowed to subdivide, they could have up to twelve residences. He commented on the effect on the available MERUs of 203, stating that PLA would not be able to have an equivalent number of the MERUs for their future subdivisions. David Goldsmith stated that no one had ownership of the MERUs; they were on a first come, first served basis. He stated that, if fact, Mr. Holland already had three hookups dedicated to his two parcels.

Barbara Nightingale stated that the MERUs were the limiting factor and were based on the sewer and water systems. She stated that the amendment proposal would delete the sentence in JCC 17.10.020(5) prohibiting the further subdivision of existing subdivisions, thus allowing the Holland parcels to be further subdivided. She stated that PLA was opposed to the proposed amendment and had provided a letter to the Planning Commission explaining their position.

Bud Schindler asked for clarification about the applicable codes. Barbara Nightingale explained that there were two separate codes affecting Port Ludlow. JCC 17 applied to the land in Port Ludlow not owned by PLA and the Port Ludlow Development Agreement applied to the PLA-owned land. She stated that there were only 203 MERUs still available over all of Port Ludlow and the MERUs were on a first come, first served basis. There was also a 2250 cap for total residences.

Peter Downey stated that the zoning (the number of residential units per acre) was not proposed for amendment. The amendment only proposed to allow further subdivision of already platted parcels, up to the density allowed. Barbara Nightingale replied that he was correct. She stated that the Holland tracts amounted to just over three acres, so he could theoretically get twelve residences at the 4:1 zoning.

Edel Sokol asked if this amendment would apply to all the lands within Port Ludlow. Barbara Nightingale replied that it would, except for the land owned by PLA. However, it would only apply if the parcel was large enough to subdivide.

Dennis Schultz asked for clarification about the MPR-SF zone. Barbara Nightingale replied that the zone applied to both the privately owned residential subdivisions and the PLA owned land.

Peter Downey asked how much land was controlled by PLA in terms of a percentage of the total land in Port Ludlow. Barbara Nightingale replied that PLA platted, developed, and sold, so it was in the process of changing. She stated that she had not been asked that question, although it was a good question. She stated that it was ever dwindling. She stated that there were 203 additional residences [MERUs] allowed anywhere within the MPR boundary for anyone.

Henry Werch asked why the prohibition for further subdivision was put in place in the beginning. Barbara Nightingale explained that the prohibition

came out of a community process on the Development Agreement. It was intended to protect the community, actually, from the developer; the developer's ability to develop beyond what the community could handle environmentally. It was intended to control the density. Mr. Werch asked if there was still un-subdivided land on which there were no housing units that could be subdivided under this proposal. Ms. Nightingale replied that was a question still to be answered; it needed to be analyzed. She stated that staff needed to analyze what percent was still out there, what percent was owned by PLA, and what percent was impacted. The purpose of this meeting was just to introduce the proposal to the Planning Commission. After staff did further analysis, it would be brought back before the Planning Commission.

Edel Sokol asked about the number of residential units that could be on the Holland property now and how many there could be if the proposal was approved. Barbara Nightingale replied that, currently, there could be three units. Theoretically, there could be a maximum of twelve units if the proposal was approved, but she did not think Mr. Holland wanted that many units. Ms. Sokol asked if there had been public outreach on this proposal. Ms. Nightingale replied that it had been mentioned in community meetings and it would be posted on the county web site. She stated that there were several things happening in Port Ludlow now. One was the Trend West proposal. Another was the Ludlow Bay Village resort decision. She stated that this proposal was separate from those other proposals. Ms. Sokol asked about the Trend West effect on the MERUs. Ms. Nightingale replied that it would take 120 MERUs from the 203 that were left, unless further analysis showed that they would use a lot less, explaining that it was all based on water usage.

Barbara Nightingale stated that the county did not enforce CC&Rs. She stated that, while the amendment application talked about CC&Rs and that they were protective of other properties being further subdivided, in actuality the county would not enforce them. So if someone applied for a subdivision with the county, they could get it. She clarified that the proposal only applied to the MPR-SF zone; it did not apply to the multi-family or commercial zones. She stated that there were still about 4 commercial MERUs left. She stated that the cap was 2250 MERUs, with about 203 MERUs left. If the Trend West proposal came through, it would use about 120 MERUs. She stated that the existing prohibition did not discriminate against property owners and their ability to subdivide because it applied to everyone. She stated that staff would be answering the question about buildout.

In answer to Mike Whittaker's question, Barbara Nightingale explained that the sewer capacity was based upon water usage.

Howard Werch asked, if this proposal was ultimately approved, if it would be approved over the objections of the community that was originally responsible for the prohibition. Barbara Nightingale replied that there would be a public hearing before the Planning Commission, with commensurate public notice and posting to the web site. Therefore, the community would have the opportunity to comment. Mr. Werch stated that those community groups would be able to come before the Planning Commission and explain their reasons for wanting the prohibition.

Bud Schindler asked about the next steps and how the county would do outreach. Barbara Nightingale replied that outreach had started to take place at the South Bay community meeting. The proposed amendment would be placed on the county web page. She provided an outline of outreach she

planned to do in the Port Ludlow community. Then the Planning Commission would hold a public hearing on the proposal, currently scheduled for October 18.

Bud Schindler wondered how the Planning Commission could get a feel for the public sentiment on the issue after Ms. Nightingale had done some outreach. Barbara Nightingale stated that the Planning Commission would likely hear their concerns at the commission's public hearing. Mike Whittaker asked if there were minutes for the last community meeting Ms. Nightingale attended that the commission might receive, which might provide some indication of the community sentiment. Ms. Nightingale responded that the subject meeting was a briefing for the South Bay community on the Trend West proposal. She stated that she had taken the opportunity to introduce this proposal, but there was actually nothing discussed by that group.

Peter Downey asked about further platting by PLA. Barbara Nightingale pointed out areas where PLA could still do subdivisions. In answer to Bill Miller's question, Ms. Nightingale stated that the existing plats could not be further subdivided under the existing code. But that did not mean that PLA could not create new plats. This proposal would allow those existing plats to be further subdivided. She explained that land owned by PLA was governed by the Development Agreement. When PLA developed and sold those parcels, it became privately owned and was governed by JCC 17. The advantage of that to the county and the larger public was that they then became subject to the Shoreline Management plan, the Critical Areas Ordinance, and other applicable county codes.

The commissioners asked for a better version of the map. Barbara Nightingale stated that she could provide a more detailed map.

Dennis Schultz asked what part of the map was not covered by CC&Rs. Barbara Nightingale replied that almost all of it had CC&Rs, except for one small area (the Ludlow Beach Tracts). She stated that was a question staff could analyze.

Mike Whittaker asked, if this proposal was approved, if it would give other people an advantage over PLA. Barbara Nightingale replied that it could because the MERUs were on a first come, first served basis. She stated that not everyone had parcels large enough to further subdivide, however. She stated that was a piece of analysis staff could provide to the Planning Commission.

Bud Schindler asked if there were any plans to upgrade the sewer plant which would in turn allow further development. Barbara Nightingale stated that she had not heard anything about PLA planning to upgrade the sewer system capacity. She stated that the cap of 2250 MERUs was in the Comp Plan, so any change would require a Comp Plan amendment.

Barbara Nightingale introduced David Goldsmith, the proponent's representative, who would offer a further presentation.

David Goldsmith handed out three maps and a description of their rationale. He stated that this amendment came from the BOCC because they saw an inequity in the way the regulations played out in the MPR. While the applicant was the trigger, it came from the BOCC. He stated that he had read the PLA letter and wanted to meet with their representative because he thought some of the things in their letter were probably not correct.

Mike Whittaker asked for clarification about how this application came forward from the BOCC. Barbara Nightingale explained that the BOCC was presented with this application and they agreed with the staff recommendation that the Planning Commission analyze it before it went forward. She stated that it was triggered by this application. David Goldsmith agreed that was true, adding that was opposed to an application that was just brought by an applicant directly.

David Goldsmith explained that the first map represented the subdivision pattern of the MPR. All but the part outlined in yellow had been platted after 1960. He stated that the Ludlow Beach Tracts was platted in 1948 (the area outline in yellow). The second map showed the Ludlow Beach Tracts as they appeared in 1948. He stated that the blue line represented the MPR boundary, so some of those tracts were not in the MPR. The third map depicted the Ludlow Beach Tracts as they appeared now, stating that some subdivisions had occurred. He stated that the most recent subdivision occurred a couple of years ago (Lot 7). The county found that it had approved the subdivision in error, but, because the county had already approved it, they honored it. The owner of the Holland property wanted to short plat her lots as well. That was when he found out about the prohibition on further subdivision. That owner had subsequently died and Mr. Holland bought the property and wanted to continue pursuing the ability to subdivide his parcels.

David Goldsmith provided some history on Port Ludlow. It started building out in the late 1960s. Then the GMA came along in 1990. The Act (rural or urban) did not fit Port Ludlow, so it was amended to allow MPRs like Port Ludlow. The Act also said that an MPR must have an accompanying development agreement to assure that the infrastructure would be built to accommodate the planned development. He explained that the MERU cap was based on the sewer capacity. He stated that the development agreement was based on the CC&Rs. He stated that the Ludlow Beach Tracts were the only land that Pope Resources (subsequently PLA) did not control because they were platted in 1948. However, because Ludlow Beach Tracts was inside the sewer district, it was included in the MPR boundary (Lots 1 through 14).

David Goldsmith stated that the inequity was that people who bought later had CC&Rs, so they knew what they were buying into. But Ludlow Beach Tracts had no CC&Rs. He stated that the CC&Rs got built into the Development Agreement, which was fine. However, he did not think anyone considered the Ludlow Beach Tracts, because it was not part of what was considered to be "modern day" Port Ludlow. He stated that Mr. Holland just wanted the same opportunity that had been afforded other parcels in Ludlow Beach Tracts to subdivide.

David Goldsmith stated that, after talking with Ms. Nightingale, they proposed amending the proposed language to state "Subdivisions within the MPR-SF boundary approved and filed on or after January 1, 1960 shall not be further subdivided." While he had not talked to PLA about the suggestion, he thought they would be comfortable with it. That revision should alleviate many of the concerns, particularly with all the other issues surrounding Port Ludlow right now.

David Goldsmith pointed out a subdivision that occurred within the last five years located on the bottom left corner of the third map (of Ludlow Beach Tracts). He stated that it was a re-subdivision of a portion of the subdivision of lots that was originally part of the Ludlow Beach Tracts, so

PLA broke its own rules. He thought that, clearly, there was never an intention to include the Ludlow Beach Tracts in the same kind of scrutiny that was intended for other Port Ludlow plats.

David Goldsmith stated that, in closing, he wanted to put forward this inequity that had occurred. He stated that the other properties in Port Ludlow were one-quarter acre lots, or smaller, except for a few larger parcels that had come onboard in more recent times. Yet we had these long, large parcels [at Ludlow Beach Tracts] that did not have the same opportunity. He stated that they were asking for relief from that. He stated that, while Ludlow Beach Tracts was in the MPR boundary, it was not part of Port Ludlow, because they had been platted in 1948. He stated that part of the idea of a MPR was that it was an area of more intense development in a rural area.

Mike Whittaker stated that Mr. Holland owned two of the five lots. David Goldsmith agreed that was correct. Brent Butler stated that what Mr. Goldsmith was saying was that only five lots would be affected by their revised proposal. David Goldsmith agreed, stating that, even as originally proposed, only the Ludlow Beach Tracts parcels would be affected.

Bud Schindler asked what the proposal would do to the MERU cap. David Goldsmith replied that it did nothing to the cap; the cap would stay the same. He stated that PLA did not own those MERUs. They were assigned to the sewer district. Mr. Schindler stated that the issue was, if this proposal was approved, that a developer would come in and buy up all the sub-dividable lots, divide them, and use up the cap. Mr. Goldsmith responded that there were houses everywhere there was yellow on the MPR map. He stated that the developer [PLA] had done some of that already [re-subdividing at 4:1]. He stated that given that the zoning allowed four units to an acre, anyone would have that right.

Henry Werch stated that the Ludlow Beach Tracts were not subject to CC&Rs now nor would they be in the future. David Goldsmith replied that he was correct. Mr. Werch stated that there could be a concern on the part of the Port Ludlow residents that the normal sorts of controls that were in place to make Port Ludlow a homogenous community would not be in place for these lots. Mr. Goldsmith responded that the Ludlow Beach Tracts did not have CC&Rs. He stated that the early plats did not have the same level of CC&Rs that the later plats have. Over time, they had gotten more specific on the CC&Rs. Mr. Werch stated that a group or individual could say that the effect of this proposal would be to open up substantial parcels of very valuable land to development that was not controlled by any of the other factors that controlled the appearance of what exists in Port Ludlow, except for existing county zoning. Mr. Goldsmith agreed, stating that he did not know that it was significant. Mr. Werch stated that he was trying to anticipate concerns that might be expressed. Mr. Goldsmith stated that he did not think the people in other areas of Port Ludlow knew that the prohibition on further subdivision affected the Ludlow Beach Tracts; it was not part of the conversation. Mr. Werch stated that the people on the Beach Tracts likely never purchased their land believing that their subdivision opportunities that existed elsewhere did not apply to them. Mr. Goldsmith agreed, stating that people who bought in Ludlow Beach Tracts probably expected to be able to divide their parcels similarly to their neighbors at 4:1. He did not think anyone delved into the regulations to find that one sentence that prevented further subdivision.

Edel Sokol asked for further clarification about the CC&Rs. David Goldsmith explained that CC&Rs were placed on plats by the developer, not the county. He stated that there were differing CC&Rs on different plats in Port Ludlow.

Barbara Nightingale explained that the cul-de-sac subdivision near Ludlow Beach Tracts was done about 1990, so it pre-dated the Port Ludlow Development Agreement, so they did not violate their own rules.

Jim Hagen asked about the timeline. Barbara Nightingale replied that the Planning Commission would hold a public hearing on October 18. In the meantime, staff would be doing public outreach. Also, staff would analyze the questions the Planning Commission had raised. She explained that there were actually four issues going on in Port Ludlow now and listed them. Only this one issue would come before the Planning Commission at this time.

Barbara Nightingale asked Mr. Goldsmith if they were officially proposing the revision presented tonight. David Goldsmith replied that they were. He stated that the revised language should resolve any concerns about further subdivisions in areas other than Ludlow Beach Tracts.

Edel Sokol asked for clarification about a comment in the PLA letter. David Goldsmith responded that he did not think there were any parcels of land, except in Ludlow Beach Tracts, that were large enough to allow further subdivision under the current zoning. He stated that if the zoning was changed to allow eight units per acre, for example, then the concern would be valid. Peter Downey stated, with the new language limitation of 1960, it alleviated the ability to further subdivide the later plats. Barbara Nightingale stated that staff would need to analyze that to see if it held true.

David Goldsmith stated that, regarding the 2250 cap, once the MERUs were used up and the sewer capacity was met, property could still be developed using septic systems. There was nothing that said you could not develop property using septic systems.

Henry Werch asked about possible subdivision of those Ludlow Beach Tracts lots, wondering if they all would be water view lots. David Goldsmith replied that he thought they would be. He stated that the topography would likely limit the number of actual parcels. Mr. Werch commented that if there were sewer connections, there would be no wetland or septic issues. Barbara Nightingale stated that any wetland issues would be addressed during a building application process.

Henry Werch commented that, if someone had some hot water view property, there would be a tremendous urge to develop it, because that was a high value development. He thought the Planning Commission should be aware of that. Mr. Werch stated that he did not object to that or the property owner making money. David Goldsmith stated that it was not just making money; it was allowing the property owner to develop at the same density as the zoning allowed. Mr. Werch stated that not every 5-acre lot, for example, next to a 1-acre lot should be entitled to subdivide down to 1-acre lots just because they were next to a 1-acre lot. He stated that, while he was not saying he objected to this, the fact that you were contiguous to a higher density development did not, by itself, justify that you deserved a higher density. Peter Downey stated that they were not asking for a density change though; it was not a change in zoning. Mr. Werch stated that the prohibition on further subdivision actually had the same effect as zoning. Mr. Downey thought it

was less clear than that. You had a clear zoning map that allowed one density, but then you had a little bit of code that changed that clear map. Mr. Werch agreed that it was less clear. His point was that when the original property owners purchased the property, they did so with the understanding of certain things.

Barbara Nightingale asked what particular questions the Planning Commission would have of staff. Peter Downey stated that his question was what the effect of the proposal would be, whether there would be other properties that would benefit from this change, particularly the newly proposed revision. Bud Schindler stated that he saw the proposal for alternate language as something to consider. Edel Sokol commented that the January 1, 1960, date seemed arbitrary. David Goldsmith responded that it correlated to what one would consider the modern era of Port Ludlow development, which began in the late 1960s.

**D. INTRODUCTION TO COUNTY WORK PLAN FOR COMPREHENSIVE PLAN AMENDMENTS RELATING TO UGA COMPLIANCE ORDER**

Brent Butler provided some background on the UGA invalidation by the Hearings Board. Staff had identified five substantive tasks to accomplish in order to remove the invalidity. He referred to the work plan that was included in the last Planning Commission mailing.

Brent Butler suggested that Tasks 1, 2 and 3 be taken together collectively and done as Comp Plan amendments. He stated that the amendments could be done outside of the regular amendment cycle because it was related to a Hearings Board order.

Brent Butler stated that Task 2 could require substantive work for a new lot analysis. He thought we could consider removing the tables altogether. He stated that he would ask the Planning Commission for its recommendations on that idea. Jim Hagen commented that he did not think we could take the tables out. Some other commissioners agreed. Mr. Butler discussed possible ways to update the tables.

Brent Butler stated that, for Tasks 1 and 3, staff could easily draft line-in, line-out amendments. However, Task 2, involving updating the residential lot analysis, was the task that had the most difficulty. He thought the decision about Task 2 should wait until the Planning Commissioners had a chance to review the Hearings Board Compliance Order itself, which would be mailed to the commissioners as soon as staff received it. Henry Werch asked if there was a model from another county that we could use. Mr. Butler stated that he would research the idea.

Jim Hagen stated that Tasks 4 and 5 were longer term and contingent on other county departments. Brent Butler suggested that the Planning Commission concentrate on Tasks 1, 2 and 3 for now. He stated that Task 4 (the sewer planning) would come later, after the first of the year.

Edel Sokol commented that this UGA planning had been going on for twenty years.

Bud Schindler supported asking the state about acceptable methods for determining the residential lot forecast, rather than doing the task and having the state tell us it was not good enough. Brent Butler suggested that

the commissioners wait until they had reviewed the Compliance Order because it contained more definitive information on the issue.

Dennis Schultz referred to the Task 4 element on altering the UGA maps and boundaries "reflecting thorough capital facilities planning". He offered the opinion that changing the UGA boundaries was something that would "blow up in our faces". Jim Hagen thought the Hearings Board had found the boundary compliant. Bud Schindler thought the UGA boundary may be reduced to the sewer boundary. Mr. Schultz stated that the UGA boundary and the sewer district boundary may be two different things. Brent Butler stated that his understanding was that the Hearings Board had specifically requested that the county revisit this issue. Edel Sokol stated that the question was whether we had to revisit the issue or the boundary, which were different things, agreeing with the belief that the UGA boundary had been found compliant. Mr. Butler stated that he would check into it.

Mike Whittaker suggested that the petitioners be involved in these solutions in order to, hopefully, avoid further appeals. Edel Sokol suggested that Nancy Dorgan sit with the commission on developing these amendments.

The commissioners discussed holding a meeting on an alternative date, rather than September 20, since Mr. Butler would not be available on that date. Brent Butler stated that he could have the line-in, line-out for Tasks 1 and 3 available for the next meeting and some alternatives for Task 2 for consideration, including his research into other jurisdictions models.

Edel Sokol suggested that the Planning Commission form a committee on the UGA. Bill Miller asked if staff could meet with a committee prior to the September 20 meeting in order to prepare something that the committee could present, rather than staff presenting it. Brent Butler stated that he would be very busy with Brinnon MPR issues prior to September 20.

The commissioners and staff discussed the Brinnon MPR proposal and the timing for the DEIS. Staff could not provide an analysis on whether the MPR proposal would occur this amendment cycle.

The commissioners discussed the timing of the proposed UGA amendments and whether it would be prudent to cancel the September 20 meeting. It may become necessary to add a meeting in October or November, however.

Jim Hagen appointed a UGA Committee consisting of Bill Miller and Mike Whittaker to work on the UGA compliance tasks. They were asked to work with staff to set up committee meeting times and dates.

**E. DISCUSSION ON PLANNING COMMISSION PROCESS AS RELATED TO ROBERT'S RULES OF ORDER AND THE BY-LAWS (Continued)**

JD Gallant stated that a motion tabled at the last meeting should be taken up again. That motion would allow the Planning Commission Chair to be the chair of the Critical Areas Committee. Mr. Gallant stated that he had objected based upon Robert's Rules of Order. He stated that Mr. Downey had suggested that the rule be suspended in order to allow Mr. Hagen to chair the Critical Areas Committee. He stated that he did some research into suspending the rules. He handed out some Robert's Rules references on the issue. He stated that it would take Mr. Schindler amending his motion to suspend the rule. Then the Planning Commission would vote by motion to appoint the Planning Commission Chair as the chair of the committee. Mr. Gallant indicated that

he did not support doing that, but thought it was possible. He stated that he had explained his reasons for not believing the Planning Commission Chair should chair a committee.

Bud Schindler moved that Robert's Rules be suspended with regard to the presiding officer serving as chair of the Critical Areas Committee. Peter Downey seconded the motion.

Dennis Schultz suggested that the motion be amended such that the presiding officer could serve as chair of any appointed committee. It was agreed that each situation should be approached individually. The suggested amendment was not accepted.

Edel Sokol stated that the By-Laws superceded Robert's Rules, stating that the Chair could appoint committees and serve as the chair of the committee. JD Gallant countered that the By-Laws clearly stated that the Chair could appoint members of committees, but they said nothing about serving as the chair of the committee.

The commissioners debated the committee structure and using members of the public in an advisory capacity. They discussed how the Planning Commission functioned without strict adherence to Robert's Rules. Several commissioners supported that method of operation. Some expressed support for suspending the rules in this committee's case, although they agreed that it should be decided on a case by case basis.

Henry Werch stated that the issue was not that the Chair could appoint committee members. The issue was the Planning Commission Chair serving as chair of a committee. Mr. Werch stated that he liked the informal way the Planning Commission functioned, which he thought was a very democratic way of doing things. He thought suspending the rules in this case was appropriate.

The motion to suspend the rules carried with six in favor, three opposed, and no abstentions (6-3-0).

Bud Schindler moved that the Chair of the Planning Commission be the chair of the Critical Areas Committee. Peter Downey seconded the motion which carried with eight in favor, none opposed, and one abstention (8-0-1).

The commissioners turned to the issue of alternates on the Critical Areas advisory group.

Peter Downey moved that the Planning Commission ratify Julie Jaman as the alternate for Jill Silver on the Critical Areas advisory group. Henry Werch seconded the motion which carried unanimously (9-0-0).

Jim Hagen moved that Bud Schindler be the alternate Planning Commission representative in the instance that any of the regular commission members could not attend the Critical Areas Committee meetings. Edel Sokol seconded the motion which carried unanimously (9-0-0).

#### **F. ADJOURNMENT**

The Chair invited public comments.

Norman MacLeod commented on the Robert's Rules discussion. He stated that he was glad the Planning Commission voted the way it did because, from a public

perception standpoint, once you got rolling and something was working, the worst thing you could do was to change to a strict adherence to Robert's Rules. He stated that the commission had a process that was working. Concerning the Critical Areas Committee, he stated the opinion that the Island County Hearings Board decision could be an important adjunct to our planning. One of the things that was a feature of that decision, and that the Hearings Board thought it was a model to follow, was a complete parcel inventory. That may help cut down on the time, although it may not. He thought it took Island County five years, although a lot of that time was spent getting their ordinance by the state agencies. Now that had happened once, he thought it would be easier to get that kind of buy-in again. He did not think the Island County ordinance would be a full fit for Jefferson County. He pointed out that they had a much higher population density than we did. However, he thought we should look at Island County's ordinance in the context of having been stated as a model by the Hearings Board, which meant that the elements it contained were what they were looking for. He thought there would be some resource issues that the county would have to address in terms of individual conservation plans, etc. He believed the committee should have the time to give it serious consideration to help provide a framework that we could work with and that people could buy into. On the UGA issue, he suggested that the Planning Commission may want to consider the same kind of process as was being used for the critical areas issue, because that was working. He stated that, when you had a large percentage of community buy-in on your end result, it was part of the picture that the Hearings Board liked about the Island County ordinance. He stated that, if you did not develop the changes in isolation from the community in anyway and you did involve the petitioners and supporters, we could possibly have an amicable type process that would result in something that would actually work, and that we may not have to actually go before the Hearings Board.

The commissioners discussed canceling the next meeting.

Mike Whittaker moved to cancel the September 20 meeting. Henry Werch seconded the motion which carried unanimously (9-0-0).

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

**G. APPROVAL OF MINUTES**

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

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

\_\_\_\_\_  
Cheryl Halvorson, Secretary