



JEFFERSON COUNTY

PLANNING COMMISSION

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JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR FEBRUARY 7, 2007

- A. OPENING BUSINESS**
- B. DISCUSSION ON HADLOCK/IRONDALE UGA COMPLIANCE**
- C. DISCUSSION ON INDUSTRIAL LAND BANKS**
- D. UPDATE ON CRITICAL AREAS COMMITTEE/ADVISORY GROUP**
- E. ADJOURNMENT**

A. OPENING BUSINESS

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

DCD staff present were Al Scalf, Brent Butler, Cheryl Halvorson and Jeanie Orr, secretaries. Also, Jim Pearson, Public Works, was present for a portion of the meeting.

There was one member of the public present - Chris Eagan.

The minutes for January 17, 2007 were approved as submitted.

The Chair invited staff updates.

Al Scalf introduced Jeanie Orr who is replacing Cheryl Halvorson as PC secretary after almost 16 years of service. He updated the commissioners on the Assistant Planner position that is open. He stated that Barbara Nightingale has moved from DRD to LRP, replacing Rachel McHugh as of February 1, 2007.

Al Scalf stated that he and Brent Butler met with the BOCC on February 5, 2007 to talk about additional staffing. The BOCC directed the County Administrator to work with the department to hire a consultant to help with the critical areas committee in drafting an Ordinance.

Al Scalf handed out the 2007 LRP Work List, including estimated staff time required for each task. It showed that LRP was short staffed by 2.6 people.

Bud Schindler asked about the amendment package for the Brinnon MPR. Al Scalf replied that it was the application package that was submitted last year. The missing piece was the Draft EIS.

Al Scalf informed the Commissioners that he received a decision today from the Hearings Examiners in the matter of the resort plan in Port Ludlow. Also, there will be a Public Hearing before the BOCC on February 12 regarding the Holland amendment.

Brent Butler reported on the progress towards finding an entity to take on the historic preservation issue as the advisory body for the county. The county Historical Society had been approached and seemed interested.

Brent Butler stated that the Housing Action Plan Network (HAPN) will meet on February 15 at Chevy Chase Golf Course from 3:00-5:30 p.m. Jack Westerman will be there to do a presentation to the group. Edel Sokol discussed the Kah Tai nursing home and an offer to give the facility to the city, but the offer was turned down. She did not think that land should be used for another park.

Mike Whittaker asked about the Mining Section of the Omnibus, saying that it had not been adopted with the rest of the Omnibus package. He thought that section should be amended. Dennis Schultz stated that Bill Wheeler had indicated that mineral lands were covered under forest lands regulations. Jim Hagen suggested that Mr. Whittaker may want to make a motion about taking up the mineral lands section of the JCC. Mr. Whittaker said he will talk to Bill Wheeler first. Al Scalf said that the pertinent section was JCC 18.15.170. An amendment to the JCC could occur at any time during the year.

Brent Butler reported that two parcels owned by the DNR near Port Townsend were designated for possible inclusion as Parks, Preserves or Open Space. That would be consistent with a policy in the Comp Plan. Edel Sokol stated her concern that the County does not have more money for parks. Brent Butler responded that the county had approached the Jefferson Land Trust to steward those lands if the county acquired them in a public-private partnership. Ms. Sokol expressed concern about the tax implications, stating that 98% of the land base in this county was in non-taxed ownership already.

Al Scalf updated the PC on the BOCC's discussion on the No Shooting Areas issue. They will take up the issue for deliberation in early March. Jim Hagen stated that Commissioner Sullivan had said he had done some revisions and asked if they were available. Mr. Scalf replied that they were not yet available but should become available during

the BOCC deliberations. Mr. Scalf clarified that, if Commissioner Sullivan's revisions were within the side boards of the application and the earlier BOCC public hearing, the BOCC could take those revisions if they desired. If the revisions were outside the side boards of the public record, they would need to hold another hearing.

The Chair invited Committee Reports

Bud Schindler reported on the first meeting of the Brinnon MPR committee. They spent a lot of time talking about the timeline and process. They decided to get a press release ready for publication when the DEIS came out. They would like to request people that are interested to commit to 4 or 5 meetings to assist in the review and to do public information. All of that needed to be synchronized with the publication of the DEIS. Brent Butler stated that it was important to note that the DEIS public review period would be 45 days from time of release. Mr. Schindler stated that he had prepared a flowchart for the process. Henry Werch stated that the committee had discussed holding a public information meeting on the DEIS process prior to the release of the DEIS so when the draft EIS came out people were already educated and we will get responsible input. Mike Whittaker stated that the committee wanted to establish good public outreach and wondered about setting another meeting date. Mr. Schindler said that the committee realized that vacations may come into the equation and suggested the committee appoint a vice chairman.

Bud Schindler moved that Mike Whittaker be the committee vice chair. Edel Sokol seconded the motion which carried unanimously (8-0-0).

Bud Schindler said that it would be nice if the committee membership had one alternate to take the place of any committee members who had to be absent. The commissioners agreed to table the suggestion until we knew what the makeup of the Planning Commission would be.

Bud Schindler asked about the expectation of delivery of the DEIS. Staff indicated that it could be about the first of April. Mr. Schindler suggested that a Statesman representative be present at the next committee meeting to provide an update presentation. Al Scalf stated that a meeting on the DEIS process was a good idea. He suggested that topic be an agenda item for an early committee meeting.

Jim Hagen stated that with Peter Downey absent, the commission would wait for an update on the SMP. Al Scalf stated there is still a lot of debate about the inter-relationship between the CAO and the SMP.

The commissioners and staff briefly discussed the takings issue and a recent Attorney General report.

The Chair invited general public comment. There was none received.

B. DISCUSSION ON HADLOCK/IRONDALE UGA COMPLIANCE

Al Scalf provided some history on the UGA issue in the county, including both the Tri Area and Port Ludlow. He handed out a map showing the current UGA boundary with internal zoning. He also handed out a rural standards map for the UGA area which depicted the rural zoning resulting from the Hearings Board finding of noncompliance. He handed out a map depicting proposed sewer service areas. It was noted that the sewer service area map boundary and the UGA boundary were the same.

Brent Butler recommended that the PC public hearing on February 21 be continued to March 7 in order to address some additional items that need to be addressed but that are not included in the legal notice for the February 21 public hearing. Another legal notice will have to be issued to notice the additional items for March 7.

Brent Butler reviewed the larger handout packet. It included the work plan. He noted that Tasks 4 and 5 would not be addressed until later in the year. The upcoming public hearings only address UGA Tasks 1, 2 and 3.

Brent Butler reviewed the proposed line-in, line-out changes for Tasks 1 through 3 which came out of the UGA Committee's work. He reviewed the pertinent sections of the May 30, 2006, Hearings Board order that addressed the need for the changes.

The commissioners and staff discussed the reference to interim septic tanks versus septic systems and whether they are considered for the Capital Facilities Plan. It was pointed out that the note concerning septic tanks would not be in the amendment; it was merely a reference to the Hearing Board order.

Brent Butler moved the review forward to the population projection issue. It was noted that the boundary on the maps presented tonight was the assumed boundary. If the boundary was changed, we may have to revisit the population projections. Mr. Butler reported that the original population projection was in error because we used the wrong multiplier. Bill Miller felt this was a reasonable starting point for working with Public Works on the sewer and Capital Facilities plan.

Edel Sokol stated the concern that the 6-year sewer service area did not include the commercial areas on Rhody Drive. Jim Pearson responded that it was an issue the Planning Commission should take up with Richard Johnson of Public Works and the sewer consultant. There are some technical and financial issues involved. It was suggested that Public Works make a presentation to the Planning Commission at some point. Ms. Sokol stated that she thought the sewer was driving the boundary whereas the boundary should drive the sewer. She was concerned that, at the end of the day, the UGA boundary would be shrunk. Brent Butler stated that is why we are not doing Task 4 and 5 until after the Sewer Facilities Plan is in place. He agreed with the suggestion that the Planning Commission should have a presentation from Public Works on the sewer planning.

Brent Butler reported that the committee suggested deleting the residential lot table on Page 3-7. He stated that staff was not able to update the table, so they suggested deleting it. Bill Miller said that it was a boundary issue, but we could not replicate the data. Without an acceptable method for arriving at those figures, the committee suggested deleting the table.

Al Scalf described a Grand Mound UGA that was designated from the ground up. This was not that kind of exercise because we had an area characterized by urban growth already.

Jim Hagen was concerned that the table was for the whole county and deleting it was problematic. He thought we should re-insert it at some future time. Al Scalf agreed, stating that staff was working with GIS staff to try to get the table information updated.

Concerning Table 3-1, Brent Butler suggested that it be a subject for the continued public hearing because the table had yet to be updated. Bill Miller pointed out that the table should be Table 5-1 instead of 3-1. Mr. Butler said that he hoped to have the blessing of OFM for the table once he had it updated.

Bill Miller discussed Task 3, Item 1 which discussed PUD amendments to their water system plan. Al Scalf suggested replacing "PUD" with "Washington DOH". The commissioners accepted the suggestion

The commissioners moved on to the Transportation task. Jim Pearson from PW spoke regarding three corrections the Hearings Board ordered. The first related to an error made by the county's consultant that under-estimated the trip generation. That had an effect on trip distribution and the level of service [LOS].

Jim Pearson stated that the UGA Transportation Element was very short. In order to arrive at that, Public Works did a Transportation Plan that was about twenty pages long. The mis-calculation did not show up in the UGA Transportation element; it showed up in the Transportation Plan. Because the increased trip generation did not happen in the first 6-year planning period, until after the sewer came on line, it did not show up in the UGA element. He stated that Public Works was not proposing to include the Transportation Plan in the UGA element. He explained why Public Works had decided not to include either the Transportation Plan or the Stormwater Plan in the UGA element.

Jim Pearson stated that the second correction was how the county dealt with concurrency. He described how Public Works proposed to address the issue as ordered by the Hearings Board.

Jim Pearson stated that the third correction related to a concurrency policy in the JCC/UDC. What we currently had was not adequate in the Hearings Board's opinion. Public Works suggested putting the strategy in the Comp Plan followed by an amendment to the code.

Brent Butler discussed three issues with the PC: (1) The UGA element, the Transportation element for the overall Comp Plan, and the UDC/JCC. He suggested that the Planning Commission consider inserting the entire UGA Transportation Plan into the UGA element instead of the current Transportation sub-element. Henry Werch was

concerned about including everything in the Transportation Plan. The commissioners discussed the reasons for only adopting a Transportation Plan by reference instead of including it in the Comp Plan. They did not favor doing so because it would require a Comp Plan amendment to update the Transportation Plan. That was a long process that they did not necessarily want to do. Jim Pearson stated that the Transportation Plan was more of a technical engineering document. He explained how Public Works staff worked with planning staff to come up with reasonable assumptions for trip generation.

Dennis Schultz explained why he did not favor putting the Transportation Plan into the UGA element of the Comp Plan, stating that it was partly because it would make the Transportation Plan subject to appeal. The commissioners agreed that they did not want to consider putting the UGA Transportation Plan into the Comp Plan. Brent Butler suggested including certain pages from the Transportation element of the Comp Plan into the UGA Transportation element as well as JCC/UDC amendments relating to concurrency. Staff will have those amendments ready for the second hearing on March 7.

Brent Butler reviewed the pieces that would be heard at each public hearing. The commissioners agreed by consensus with the proposed schedule for the public hearings.

Jim Hagen commended the Planning Commission members who are serving on the UGA committee for the good work they are doing.

C. DISCUSSION ON INDUSTRIAL LAND BANKS

Al Scalf updated the commissioners on the ILB issue, including selection of a consultant to do an industrial land analysis. Brent Butler explained what constituted an ILB and the types of uses that would be allowed and what uses would not be allowed. He reported that there are some changes now before the State Legislature that might change the allowed uses. He stated that staff suggested submitting a place-holder Comp Plan amendment this year. During the amendment process, we would select one or two sites in the county. Mr. Scalf stated that the state law required that we designate any ILBs by the end of 2007 because the law will sunset.

Jim Hagen asked if there was a relationship between an ILB and a MID [Major Industrial Development]. Dennis Schultz replied that they were two different things.

Al Scalf reported that staff had been meeting with people on potential Comp Plan amendments. Staff was expecting ten to fifteen applications based upon those contacts.

Jim Hagen asked if there was any issue with the Growth Management Steering Committee and possible amendments to the County-wide Planning Policy. Al Scalf responded that there was nothing at this time.

D. UPDATE ON CRITICAL AREAS COMMITTEE/ADVISORY GROUP

Jim Hagen briefed the Planning Commission on the workgroup tasks analyzing major subjects in the critical areas. He reviewed the presentation made by the County Assessor at the last committee meeting. Mr. Hagen stated that Bill Wheeler had researched the Open Space application fees for different counties and found that Jefferson County's fee at \$1300.00 was among the highest. Edel Sokol asked why fee is so high. Al Scalf explained that it has to do with the type of decision it was under our code. It was a Type 1 decision requiring a Hearing Examiner public hearing. If it was changed to an administrative decision, the fee could be lower. Henry Werch mentioned there was a unanimous vote in the committee to recommend a change.

Jim Hagen stated all of the committee draft reports, starting with the majority, have been accepted. He stated that it was important to understand that they were merely drafts. They would not necessarily be what came out of the committee at the end of their process. He reported that the committee will take up fundamental foundational principles at its next meeting.

Jim Hagen discussed the wetlands issues the committee was addressing. He stated that Dr. Kenn Brooks, an advisory group member, has developed a supplemental BAS proposal to supplement the DOE BAS. He stated that the Brooks report was going through the process of peer review by other scientists. He said that they would also invite representatives from the DOE and the Tribes to review it. Mr. Hagen thought the committee was doing the things that should be done to arrive at a product everyone could live with.

Henry Werch stated that even Dr. Kenn Brooks recognized that the decision will ultimately be political. He stated there are suspicions on both sides that he feels are unfounded. He reported on the minority within the committee and the work they would do to provide alternative proposals for the committee to consider. Their desire was for the committee to evaluate whether there are opportunities to incorporate some of those ideas. Jim Hagen was concerned that the minority reports be provided timely so the committee could consider them before they got too far into the code drafting process. He thought there could be areas where compromise could be reached, but the committee needed to see the minority's suggestions in order to get to that point.

Jim Hagen stated that there is a lot of good work and incredible people working on these committees.

E. AJOURNMENT

The agenda for the next meeting will be the public hearing on the UGA compliance tasks.

The meeting was adjourned at 9:40 p.m.

F. APPROVAL OF MINUTES

These minutes were approved this _____ day of February, 2007.

Jim Hagen, Chair

Jeanie Orr, Secretary